



## **MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS JULY 9, 2019**

The meeting of the Zionsville Board of Zoning Appeals occurred Tuesday, July 9, 2019 at 6:30 p.m. in the Zionsville Town Hall Council Chamber, 1100 West Oak Street, Zionsville, Indiana.

The following items were scheduled for consideration:

### I. New Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be considered</b>
2019-14-DSV	T. Viskanta	250 N Maple Street	<b>Continued from July 9, 2019 Meeting to August 13, 2019 Meeting – 4 in Favor, 0 Opposed</b> Petition for Development Standards variance in order to provide for the construction of a patio which: 1) Deviates from the required side & aggregate yard setbacks 2) Exceeds the required lot coverage of 35%, to 40.54% in the Urban Residential Village Zoning District (R-V).
2019-15-DSV	S. Pollauf	8218 E 550 South	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 4 in Favor, 0 Opposed</b> Petition for Development Standards variance in order to provide for the improvement of an existing accessory structure which: 1) Exceeds the allowable roofed accessory square footage 2) Exists on a Lot which exceeds the Lot Width to Depth Ratio of 3:1, in the Low-Density Single-Family Residential Zoning District (R1).
2019-16-DSV	S. Hamilton	760 W Sycamore Street	<b>Approved subject to conceptual rendering (board/batten form of construction) being relevant to the project. – 4 in Favor, 0 Opposed</b> Petition for Development Standards variance in order to provide for the addition of single family home which: 1) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).
2019-17-DSV	Pools of Fun	6724 Jons Station	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 3 in Favor, 0 Opposed</b> Petition for Development Standards variance in order to provide for the addition of a swimming pool which: 1) Deviates from the required side yard setback In the Rural Low Density Single Family and Two-Family Residential Zoning District (R2).

Respectfully Submitted:

Wayne DeLong AICP, CPM

Town of Zionsville

Director of Planning and Economic Development

July 10, 2019



**Petition Number:** 2019-14-DSV

**Subject Site Address:** 250 N Maple Street

**Petitioner:** Tadas Viskanta

**Representative:** Kevin Young, The Grounds Guys

**Request:** Petition for Development Standards variance in order to provide for the construction of a patio which:  
1) Deviates from the required side & aggregate yard setbacks  
2) Exceeds the required lot coverage of 35%, to 40.54%  
in the Urban Residential Village Zoning District (R-V).

**Current Zoning:** R-V Residential Village Zoning District

**Current Land Use:** Single-family residential

**Approximate Acreage:** 0.12 acres

**Zoning History:** None

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Proposed Site Plan  
Exhibit 4 – Petitioners Exhibits  
Exhibit 5 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

## **PETITION HISTORY**

This Petition will receive a public hearing at the July 9, 2019, Board of Zoning Appeals meeting.

## **PROPERTY HISTORY**

The property is comprised of approximately 0.12 acres of Lot 75 in Oliver's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

## **ANALYSIS**

The 0.12-acre parcel is currently improved with an approximate 4,065 square foot single-family dwelling built in 2018 with a 660 square foot attached garage. As proposed, the Petitioner plans to install a patio and is requesting a reduction of the side and aggregate yard setbacks as well as an increase in lot coverage.

## **LOT COVERAGE**

The request seeks to exceed the 35 percent lot coverage maximum by 5.54 percent (of which 2% is permissible by right when using pervious material). Per the Residential Village District (RV) regulations, lot coverage standards states the maximum lot coverage is 37 percent (inclusive of the 2% bonus for pervious material use). The Petitioner is requesting a design standards variance to this requirement for the addition of approximately 339.5 square feet of patio to the current total footprint of 1,835 (inclusive of the home, attached garage and front porch).

While the current Zoning Ordinance requires such restrictions, the overall area developed prior to the adoption of the current Ordinance standards, and review of parcels and improvements in the area did reveal that some parcels in the area enjoy deviations from current coverage standards. Further many properties in the area enjoy the use of outdoor living space (patio, deck, etc.).

In summary, the request to occupy the site with accessory improvements associated with a single-family home in excess of lot coverage requirements in the Residential Village District (RV) is not uncommon in portions of the Village. Staff supports requests which provide for deviations from the lot coverage requirements when the request, generally speaking, follows this general reasoning: 1) the request is seeking to improve the site with an accessory use commonly enjoyed by other properties in the area (in this case, a patio/deck, covered front porch and garage), and 2) other properties within proximity to the parcel enjoy deviations from the maximum lot coverage requirements (to the north, south and west). Given the previously mentioned additional characteristics, Staff is in support of the Petitioner's request to exceed the lot coverage to a total of 40.54%.

## **SETBACKS**

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards (side yard minimum: five (5) feet with 15 foot aggregate) and in no case shall the distance between any two buildings, whether located on the same lot or on abutting lots, be less than 10 feet. The site currently enjoys an 11-foot 8 inch

setback along the northern side yard and a five (5) foot setback along the southern side yard, creating a 16 foot 8 inch aggregate side yard setback. As proposed the petition is requesting to install a paver patio (inclusive of an open pergola and trellis structures) which would be setback one-foot, six inch (1 foot 6 inch) from the northern property line (side yard setback).

Staff's support of reducing side yard setbacks in the RV primarily focused on one of two concepts, being 1) that a reduced setback has existed on the property, and the Petitioner is seeking to replicate the encroachment but in the form of a new improvement, or 2) that similar reduced setbacks exist in proximity to the subject site. In this particular case, the Petitioner demolished an existing single-family structure which enjoyed limited encroachment into the required side yard. While this is the case, it is not a compelling characteristic in the current petition filing. What Staff does find compelling, however, is the presence of the driveway to the south of the subject site; a hard surface that runs the length of the south lot line at a reduced setback. As this characteristic exists in the immediate area, Staff is of the opinion that it is relevant to the current discussions as to setback if the characteristics of a patio encroachment were inclusive of pervious pavers and were not installed in a raised fashion above the established grade of the subject site.

What Staff is not in support of is the vertical elements of the contemplated improvements having a setback minimum of less than five (5) feet due to the proximity of the dwelling to the north, which appears to be sitting nearly on the property line. A five (5) foot minimum setback for vertical construction for both this parcel and the adjoining parcel to the north will strive to ensure that a six (6) to 10 foot minimum distance between buildings is maintained (as encouraged by the building code). Without the increased pergola setback, the requested setback could be detrimental to the area in terms of separation between structures.

#### **PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- (c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

#### **STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket # 2019-14-DSV, related to the requested lot coverage. Staff recommends approval of the design standards

variance included in Docket # 2019-05-DSV related to the setback of the pervious paver patio, subject to a setback of at least five (5) feet for any vertical construction (Pergola), all installed in substantial compliance with plan presented to the Board of Zoning Appeals, and amended by the recommendations of Staff.

#### **RECOMMENDATION MOTION**

I move that Docket # 2019-14-DSV design standards variance in order to provide for the construction of a patio which 1) deviates from the required side and aggregate yard setbacks and related to the installation of a paver patio 2) exceeds the required lot coverage of 35%, to 40.54% (all as illustrated on the site plan attached to this report), in the R-V Residential Village Zoning District for the property located at 250 N Maple Street be (Approved as filed, Approve as recommended by Staff, based upon the findings of fact / Denied/ Continued) as presented.

#### **PROCEDURAL NOTE**

In situations where residential structures are within six (6) feet of one another, the International Residential Code requires that each structure maintain a specific level of fire rating. The distance between the proposed pergola and existing dwelling to the north will be reviewed for compliance with this standard during the normal course of the Improvement Location Permit process.



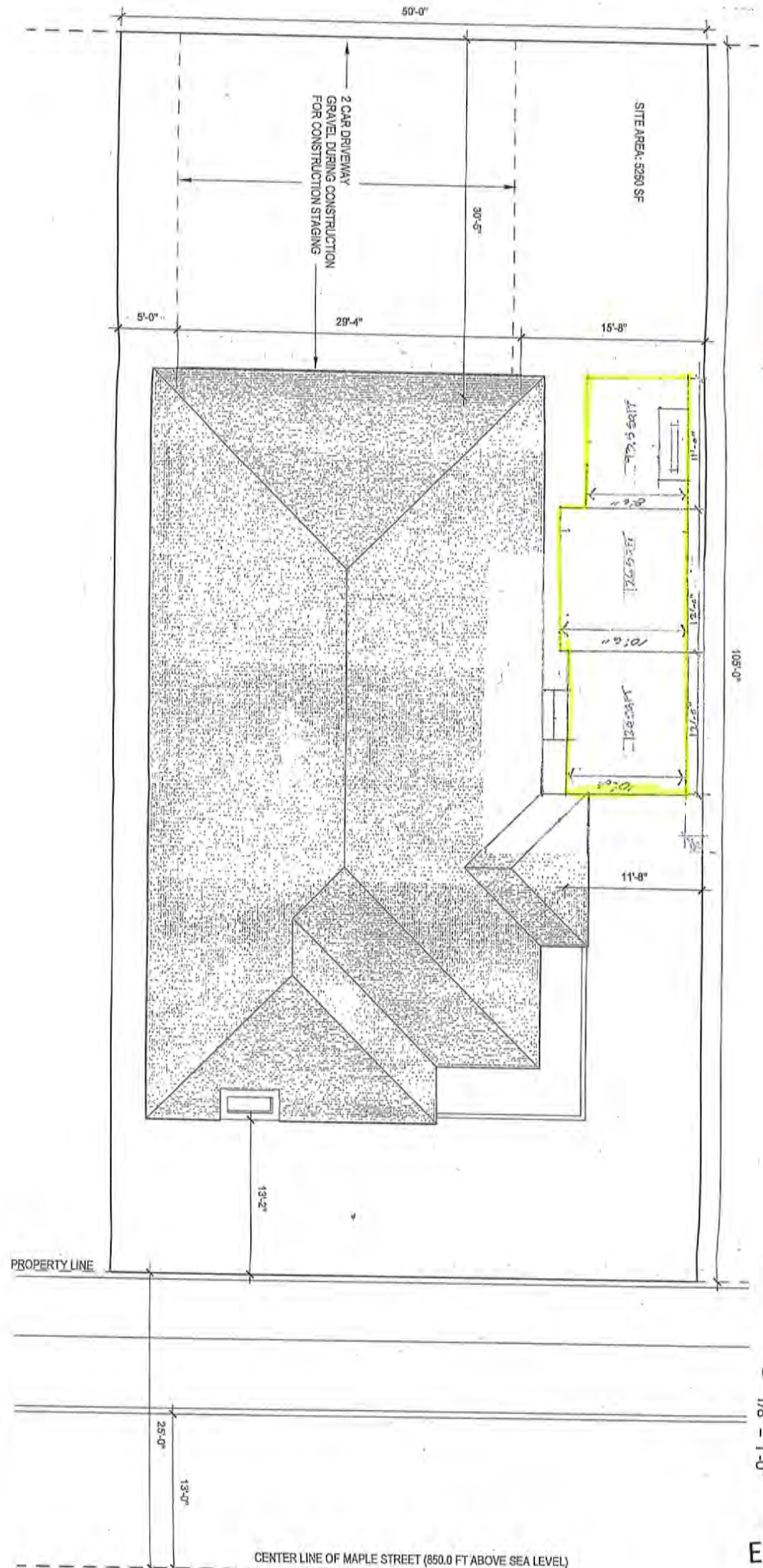


Exhibit 2



105'-0" 46.50' 105'-0" 105'-0"

105'-0" 46.50' 105'-0" 105'-0"



D C B A

① Site Plan  
1/8" = 1'-0"

② Foundation Plan  
1/8" = 1'-0"





Exhibit 4





Exhibit 4





Exhibit 4



Petition No.: 2019-14-DSV  
T. VISKANCA

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant (will / will not) be injurious to the public health, safety, morals, and general welfare of the community because: THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE THE PATIO IS GOING TO BE BUILT WITH PERMEABLE PAVERS WHICH HELPS WITH STORMWATER MANAGEMENT BY REDUCING RUNOFF.
2. The use or value of the area adjacent to the property included in the variance (will / will not) be affected in a substantially adverse manner because: THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE THE PATIO WILL ADD VALUE TO THE PROPERTY, BOTH VISUALLY AND MONETARILY.
3. Strict application of the terms of the zoning ordinance (will / will not) result in unnecessary hardships in the use of the property because: STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP IN THE USE OF THE PROPERTY BECAUSE THE OWNER WILL NOT BE ABLE TO ENJOY THE PROPERTY TO ITS FULL POTENTIAL. THE PATIO WILL BE A FAMILY GATHERING PLACE TO ENJOY THE OUTSIDE AND ALL THAT LIVING IN THE VILLAGE HAS TO OFFER.

**DECISION**

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Petition Number:** 2019-15-DSV

**Subject Site Address:** 8218 E 550 South

**Petitioner:** Samuel & Melissa Pollauf

**Representative:** Samuel & Melissa Pollauf

**Request:** Petition for Development Standards variance in order to provide for the improvement of an existing accessory structure which:  
1) Exceeds the allowable roofed accessory square footage  
2) Exists on a Lot which exceeds the Lot Width to Depth Ratio of 3:1 in the Rural Low-Density Single-Family Residential Zoning District (R1).

**Current Zoning:** Rural Low-Density Single-Family Residential Zoning District (R1)

**Current Land Use:** Residential

**Approximate Acreage:** 6 acres

**Zoning History:** This parcel was consolidated into the Town of Zionsville's jurisdiction in 2010. No prior petitions are known.

**Exhibits:** Exhibit 1- Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 – Petitioners Narrative  
Exhibit 4 – Petitioners Site Plan  
Exhibit 5 – Petitioners Exhibit  
Exhibit 6 - Petitioner's proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM



## **PETITION HISTORY**

This Petition will receive a public hearing at the July 9, 2019, Board of Zoning Appeals meeting.

## **PROPERTY HISTORY**

This property is comprised of six (6) acres, and is presently improved with a single family dwelling and accessory structures/uses. The acreage associated with this petition has historically been utilized for residential purposes under the Boone County Area Planning jurisdiction. In 2010 the area was consolidated into Zionsville's jurisdiction. As of the writing of this report, Staff is not aware of any prior approvals being considered and granted by the Boone County Area Plan Commission or Board of Zoning Appeals related to this property.

## **VARIANCE REQUEST – ACCESSORY SQUARE FOOTAGE EXCEEDING PRIMARY**

The parcel is currently improved with a 5,449 square foot single family dwelling (the primary structure) as well as 6,226 square feet of roofed accessory structures. The parcel is currently utilized for residential purposes and accessory buildings and uses all as further described below (data source: Boone County Assessor and/ or Petitioner):

1. Existing dwelling living space: 5,449 square feet
2. Existing and proposed accessory uses total 6,226 square feet, inclusive of:
  - a) A 2,520 square foot barn
  - b) A 2,400 square foot barn
  - c) A 60 square foot lean-to
  - d) A 792 square foot attached garage
  - e) A 434 square foot front porch
  - f) A 20 square foot side porch

By Ordinance, properties in the R-1 (Rural) District are permitted by right to be improved with Accessory Structures which exceed the 1) height, 2) area, 3) bulk extent, and 4) purpose to the Primary Structure IF the property is at least 20 acres in size AND is classified as a Farm. As the subject site is not 20 acres in size, a variance must be sought (in order to improve the property as proposed by the Petitioner). Absent compliance with the definition of Farm, the Ordinance limits accessory uses in a manner which maintains the presence of accessory uses, as accessory (as to not dominate the use of the property and become Primary use of the property. Specific to the current improvements, securing a 1) variance to allow the roofed accessory square footage to exceed the primary square footage by 777 square feet or 2) Legal Non-Conforming Use Certificate, is necessary. In this case, a variance of development standards is requested as per the scope of anticipated improvements to be made to the interior of an existing accessory structure, the Petitioner is requesting this existing accessory structure be allowed to remain on the property (and, as well, be maintained).

As a part of the review process, Staff examines the established development pattern found in the immediate area to the subject site, in an attempt to identify similarly situated properties enjoying similar deviations. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the

development pattern is atypical for the community, the request is not atypical of the immediate area. With that in mind, and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the continued presence and request to approve a variance to bring the existing 2,400 square foot roofed accessory structure into compliance, which is not subordinate to the Primary Structure.

#### **VARIANCE REQUEST – 3:1 LOT WIDTH TO DEPTH RATIO**

The Petitioner (while requesting a variance for their accessory square footage to exceed their primary) recognized that their lot depth to width ratio did not meet current zoning ordinance standards, and, recognizing the parcel is viewed as a legal non-conforming lot, the Petitioner is requesting to obtain a variance in order to provide for the longevity of the existing lot depth to width ratio. The need for the variance arises as the existing configuration of the parcel deviates from minimum standards found in the Zoning Ordinance related to lot depth to width ratio (existing ratio is in excess of 14:1). Additionally, the characteristic is not atypical for the area; parcels in proximity to the subject site as well deviate from the required minimum 3:1 lot depth to width ratio. With the above information in mind, Staff is supportive of the variance from the required lot width to depth ratio request as filed.

#### **PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- (c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

#### **STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket #2019-15-DSV, as filed.

#### **RECOMMENDATION MOTION**

I move that Docket # 2019-15-DSV design standards variance petition in order to provide for the improvement of an existing accessory structure which 1) Exceeds the allowable roofed accessory square footage and 2) Exists on a Lot which exceeds the Lot Width to Depth Ratio of 3:1 in the Rural Low-Density Single-Family Residential Zoning District (R1), be (Approved, based on the finding and based upon staff report and presentation / Denied / Continued).



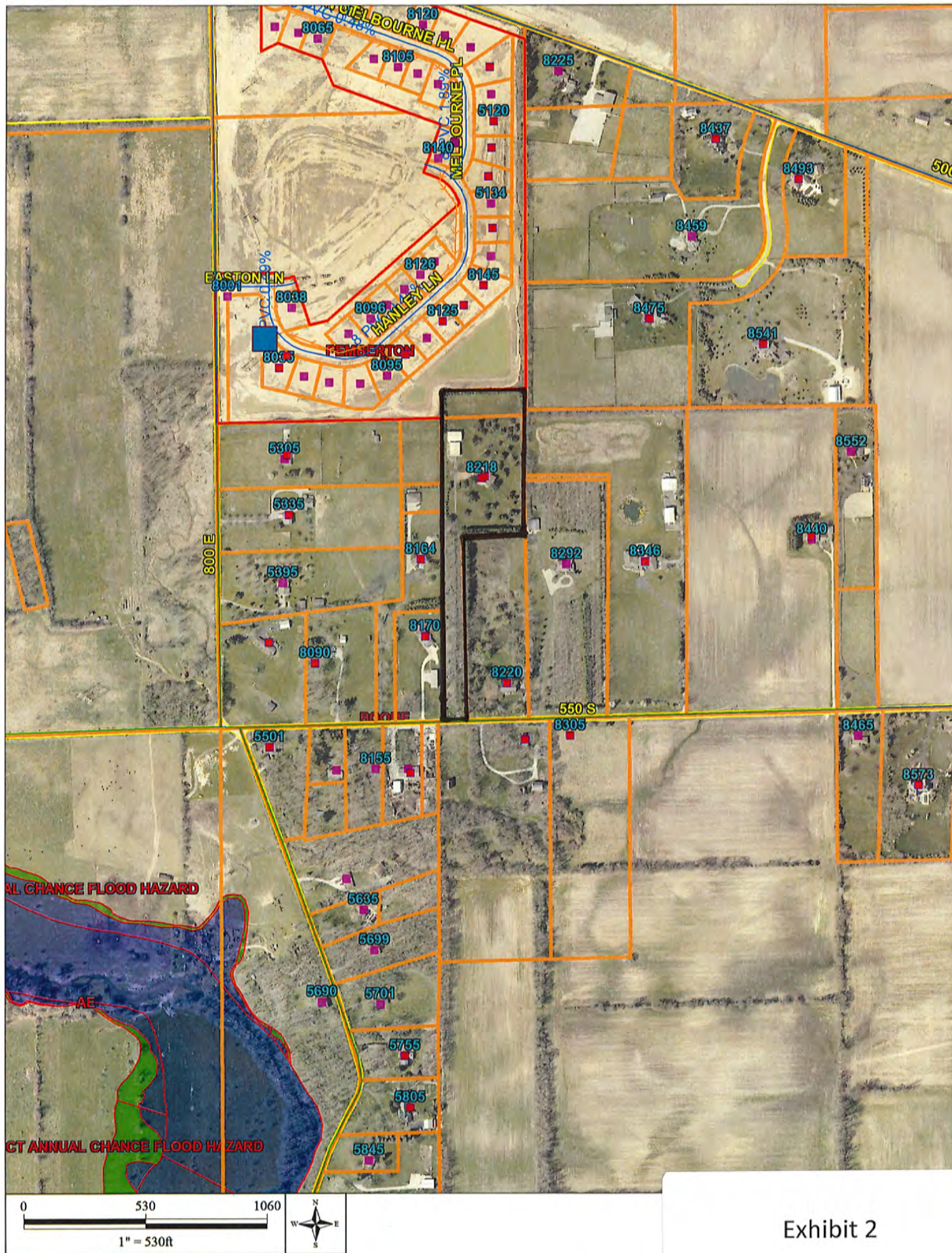


Exhibit 2



Updated May 24th, 2019

**Brian S Hill Contracting, LLC**  
**16080 E 126<sup>th</sup> St**  
**Fishers, IN 46037**

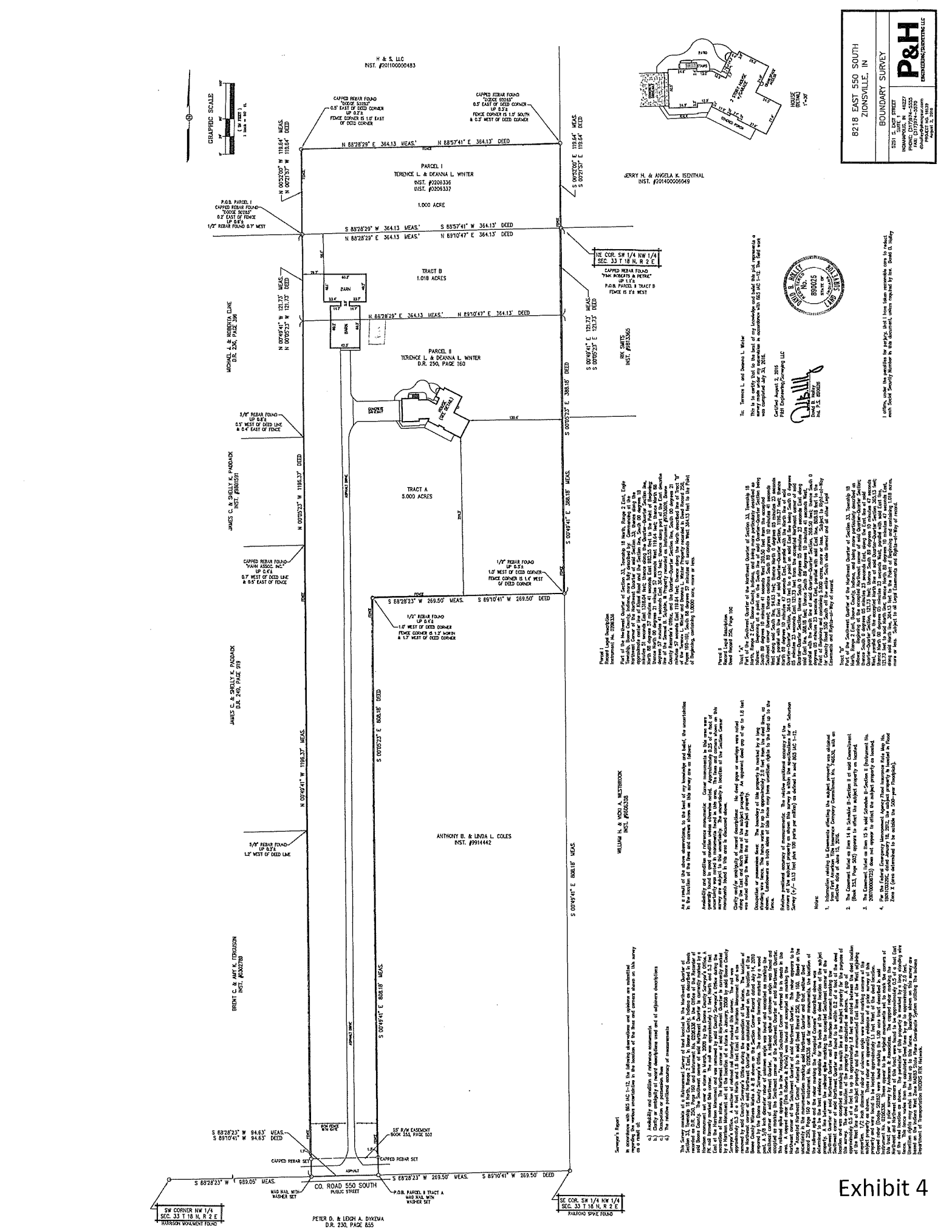
**POLLAUF RESIDENCE**  
**8218 E 550 S**  
**ZIONSVILLE, IN 46077**

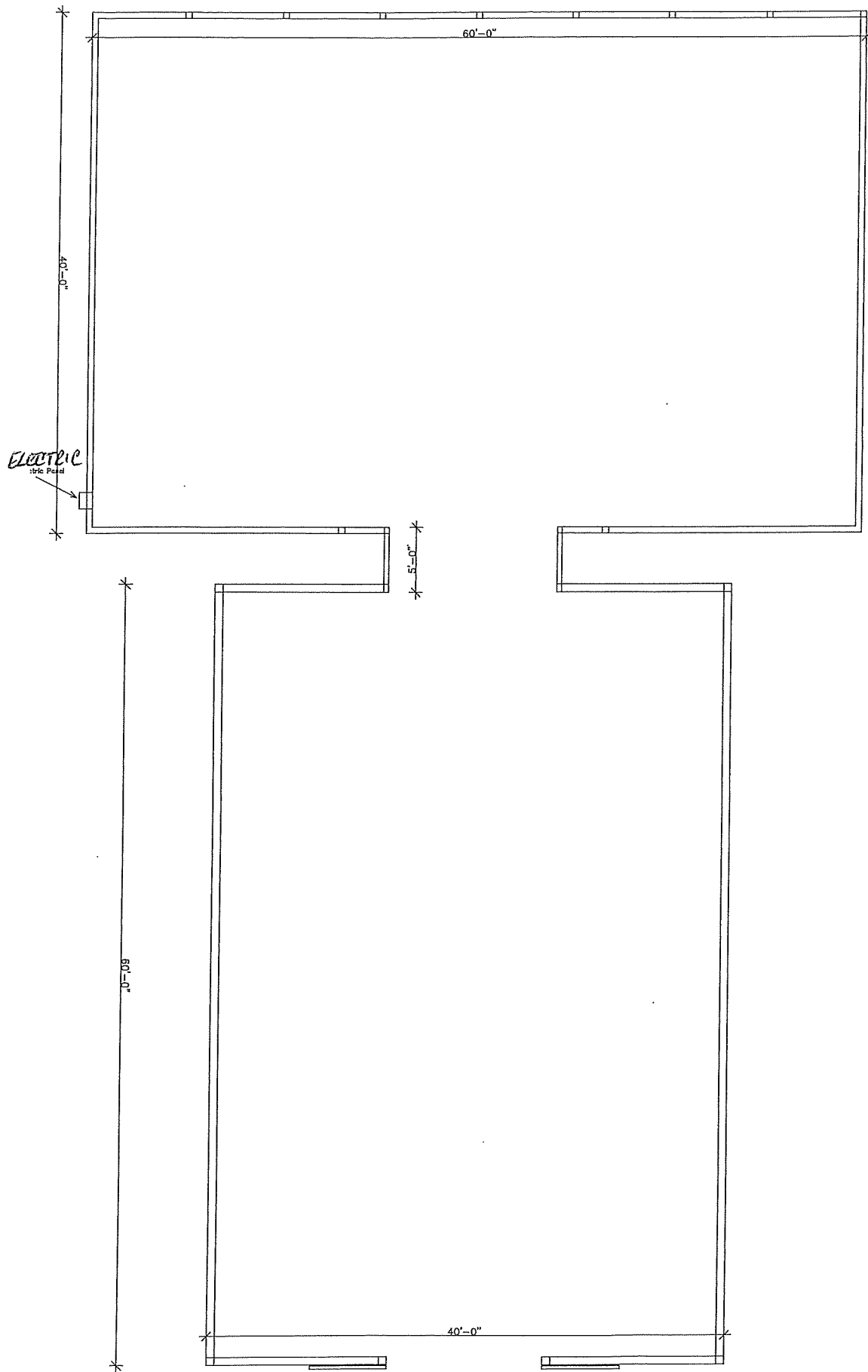
#### **SCOPE OF WORK**

##### **Pole Barn Remodel**

We plan to turn the current north 40' x 60' pole barn into a pool house for the kids. Currently the pole barn has 12 foot tall walls and engineered trusses. We intend to add 2x4x12' walls in between the barn posts flush with the inside of the posts so that we can drywall the entire shell of the barn as well as add a few interior walls for a utility room and a bathroom. We do not plan to drywall the ceiling of the barn, but plan to foam the walls and ceiling of the barn and leave the trusses and the ceiling foam exposed but painted. We do plan to add 2x6 ceiling joists across the bath and utility closet so they may have an 8 foot drywall ceiling in those areas only. We are cutting in a slider door and two stationary door panels on the east side of the barn for access. We are also framing in and adding a 6'0 door in the passage between the south barn and the north barn. Please see the drawing for details. Thank you, Brian Hill.





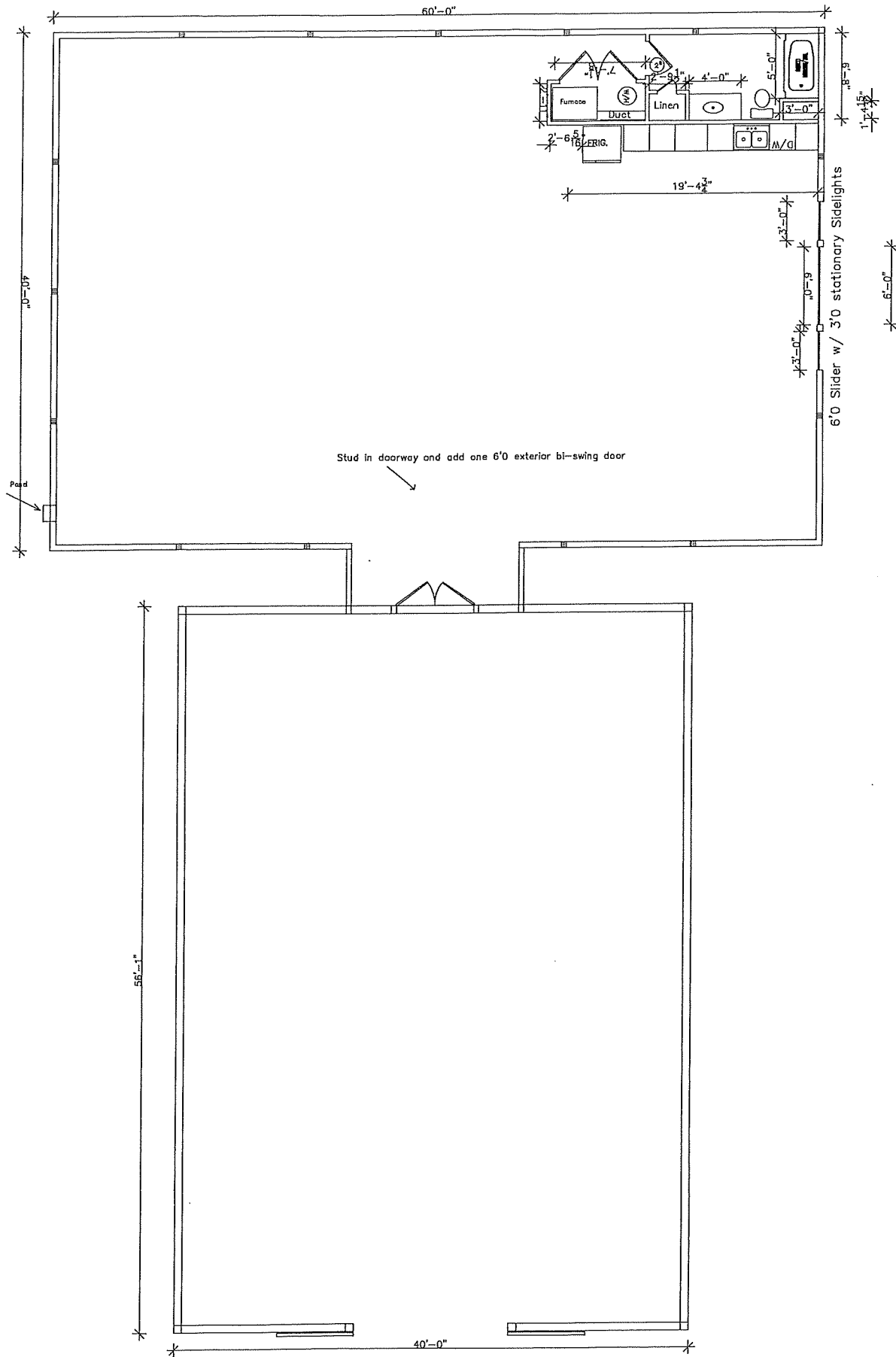


8218 E 550 S

Brian S Hill Contracting, LLC  
16080 E 126TH ST FISHERS, IN 46037 (317) 550-5578

Exhibit 5





8218 E 550 S

Brian S Hill Contracting, LLC  
16080 E 126TH ST FISHERS, IN 46037 (317) 550-5578

Petition No.: 2019-15-DSU  
S. POLLAU

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:

All construction will be completed on private property for private use, all construction standards will be followed and permit inspections will be completed for a standard project.

2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:

No changes are visible from adjacent properties due to work being completed inside and existing structure and the distance from public access to the property - accessory structures begin approximately 900 feet from 550 South. Accessory structures are in keeping with surrounding property uses.

3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:

Existing accessory structures are unable to be modified without a variance.

**DECISION**

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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\_\_\_\_\_  
\_\_\_\_\_





**Petition Number:** 2019-16-DSV

**Subject Site Address:** 760 W Sycamore Street

**Petitioner:** Stacey Hamilton

**Representative:** Betsy Pitts – BP Custom Homes

**Request:** Petition for Development Standards variance in order to provide for the addition of single family home which:  
1) Deviates from the required rear yard setback in the Urban Residential Village Zoning District (R-V).

**Current Zoning:** Residential Village Zoning District (RV)

**Current Land Use:** Single-family residential

**Approximate Acreage:** 0.268 acres

**Zoning History:** No prior petitions are known

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Proposed Site Plan  
Exhibit 4 – Petitioner’s Narrative  
Exhibit 5 – Petitioners Exhibits  
Exhibit 6 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

### **PETITION HISTORY**

This Petition will receive a public hearing at the July 9, 2019, Board of Zoning Appeals meeting.

### **PROPERTY HISTORY**

The property is comprised of approximately 0.268 acres of a part of Lots 30, 31, and 32 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

### **ANALYSIS**

The 0.268-acre parcel is currently improved with an approximate 2,877 circa 1820 single family dwelling with a 1,296 square foot detached garage. As proposed, the petition requests to improve the property with a two-story addition to the existing dwelling, with the addition encroaching into the required 10 foot rear yard setback.

### **REAR YARD SETBACK**

Per the RV Residential Village District regulations, any improvements to the site are required to conform to minimum setback standards of 20 feet for primary buildings and 10 feet for accessory buildings. In the case of the subject site, the lot is uniquely configured, is over 3,000 square feet larger than the minimum permissible lot size in the Village, and currently maintains significantly large setbacks in term of standards found in the Village. Additionally, the subject site could be improved with a detached garage which maintains a 10-foot rear yard setback without the need for a variance.

With the above in mind, Staff is supportive of the Petitioner's request to reduce the required rear yard setback to 10 feet. Further, it is noted that reduced site and rear yard setback area enjoyed by other properties in proximity to the subject site. The Petition does not seek to introduce a characteristic into the area which does not already exist. Staff is appreciative of the Petitioner's conscious effort, as described in the Narrative (Exhibit 5) to maintain the "historical integrity" of the log cabin sited on the property (listed as Notable in the 1986 Indiana Historical Sites & Structures Inventory).

### **PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*



*(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

**STAFF RECOMMENDATION**

Staff Recommends Approval of Petition # 2019-16-DSV, subject to substantial compliance with the submitted site plan attached to this Report.

**RECOMMENDATION MOTION**

I move that Docket # 2019-16-DSV design standards variance in order to provide for the construction of a two-story addition to the existing dwelling which deviates from the required rear yard setback in the R-V Residential Village Zoning District for the property located at 760 W Sycamore Street be (Approved as filed, based upon the findings of fact and substantial compliance with the submitted site plan / Denied as Presented/ Continued).



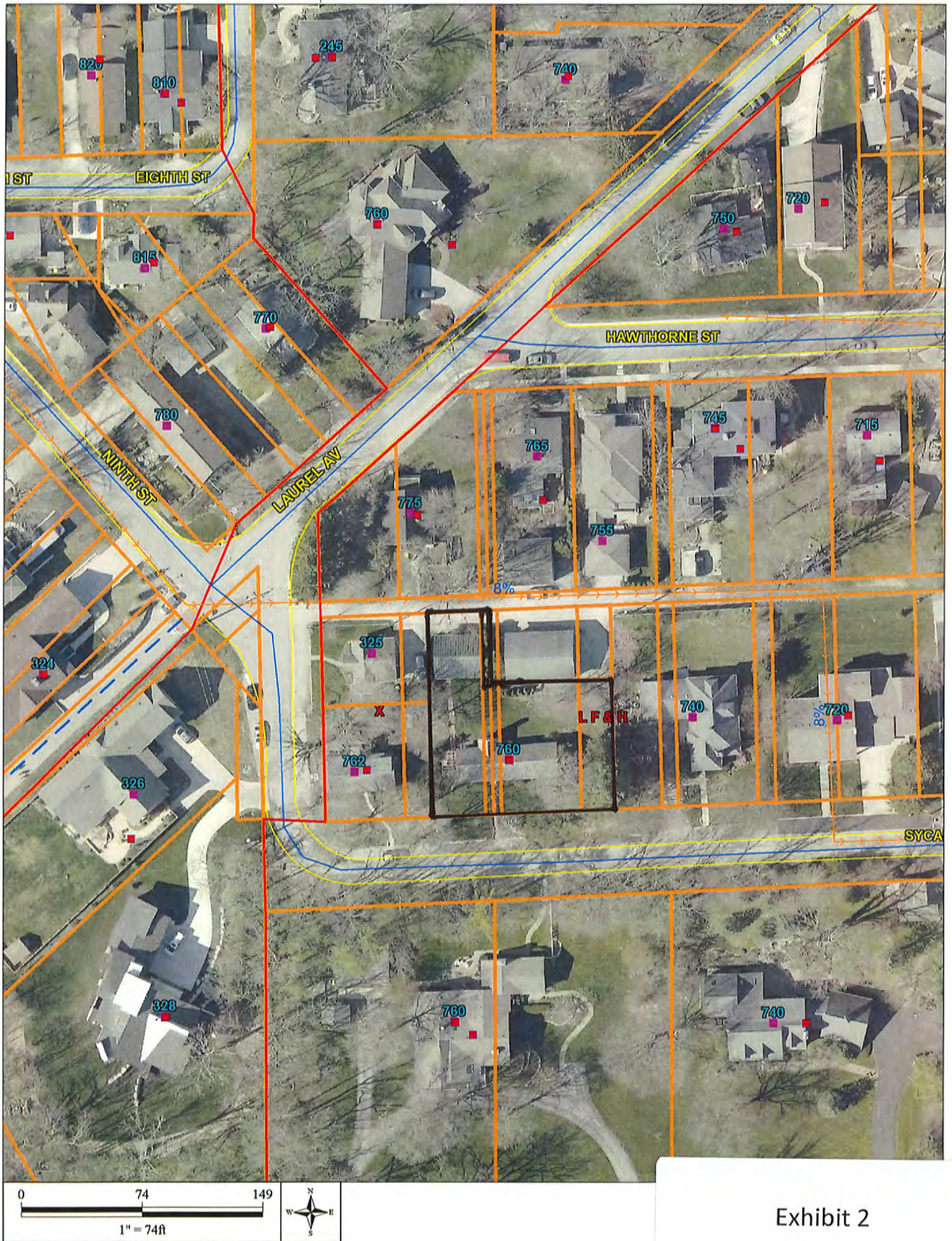


Exhibit 2





June 4, 2019

Town of Zionsville Board of Zoning Appeals:

Petitioner requests a rear setback variance on the northeast half of the rear property line from 20' to 10' in order to accommodate a bedroom/bath addition.

The addition is necessary due to the fact that the only bedrooms in the existing home are on the upper level with ceilings of only 6'2" at the highest point. In order to obtain ceiling heights that are viable and also to code in the existing home, the roof would have to be raised and a full second story would need to be added.

The petitioner desires to maintain the historic integrity of the log cabin structure as it stands including not altering the existing roof line and therefore wishes to instead, build an addition that extends out the rear of the cabin. The addition would be tied into the cabin with a short hallway, creating the least invasive means of tying the two structures together.

The building adjacent to the rear property line is a two-story concrete block storage building.





760 W. SYCAMORE - FRONT FACADE



REAR WALL OF CABIN





APPROXIMATE PLACEMENT OF PROPOSED ADDITION



Exhibit 5

STORAGE GARAGE ADJACENT TO REAR PROPERTY  
LINE





STORAGE GARAGE BEHIND  
CABIN PROPERTY



CABIN GARAGE





VIEW FROM PROPOSED ADDITION SHOWING  
DESIRED "COURT YARD"

Petition No.: 2019-16-DSV  
S. Hamilton

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS  
BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

**Variance of Development Standards – Findings of Fact**

1. The grant **will not** be injurious to public health, safety, morals and general welfare of the community because it will consist of a private residential bedroom and bathroom addition.
2. The adjacent properties **will not** be affected adversely because the addition will be cohesive with structures already on the property and will be built with village aesthetics in mind.
3. Strict application of the terms of the zoning ordinance **will** result in unnecessary hardships in the use of the property because if the setback remains at 20' the only feasible layout of an addition would necessitate covering a majority of the back log wall of the historic structure as well as having to tie the addition into the cabins roofline. The goal of the addition as proposed is to keep the log structure as untouched as possible, preserving its historic integrity.

Also, my desire is to create a "courtyard" between the existing cabin, the addition and the existing garage.

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**Petition Number:** 2019-17-DSV

**Subject Site Address:** 6724 Jons Station

**Petitioner:** Christopher & Sarah Moore

**Representative:** Tyler Hermon - Pools of Fun

**Request:** Petition for Development Standards variance in order to provide for the addition of a swimming pool which:  
1) Deviates from the required side yard setback  
in the Rural Low Density Single-Family & Two-Family Residential Zoning District (R2).

**Current Zoning:** Rural Low Density Single-Family & Two-Family Residential Zoning District (R2)

**Current Land Use:** Single-family residential

**Approximate Acreage:** 0.24 acres

**Zoning History:** This parcel was consolidated into the Town of Zionsville's jurisdiction in 2010. No prior petitions are known.

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Plan  
Exhibit 4 – Petitioners Exhibit  
Exhibit 5 – Petitioners proposed Findings of Fact

**Staff Presenter:** Wayne DeLong, AICP, CPM

## **PETITION HISTORY**

This Petition will receive a public hearing at the July 9, 2019 Board of Zoning Appeals meeting.

## **PROPERTY HISTORY**

The property is comprised of approximately 0.24 acres known as Lot 25 in the Stonegate Subdivision of the Town of Zionsville. Staff is not aware of any prior variance requests for this property.

## **ANALYSIS**

The 0.24 acre parcel is currently improved with a single-family dwelling and accessory uses, including an attached garage and porches per the Boone County Property Record Card. This lot is unique in that it is located on the corner of two streets and therefore the zoning ordinance describes the parcel as having two front yards and two side yards (no rear yard). This being the case, the Petitioner is seeking approval to construct a swimming pool (with associated pool decking) located in the side yard(s).

## **SETBACKS**

As proposed, the petitioner seeks to deviate from the standards of the ordinance in order to allow flexibility of the placement of a new swimming pool (with associated pool decking). By Ordinance, property in the Rural district is required to provide for a minimum side yard setback of no less than five (5) feet. As proposed, the development would be for a minimum side yard setback of three (3) feet. The site currently enjoys a 10'0" setback to the dwelling in this side yard.

Although, the proposed use is not one that we see a lot of in the immediate area, given that this request is for an at-grade improvement to the site and 1) does not contain a request for vertical construction, and 2) results in the active area associated with the pool generally conforming with the minimum setback requirement, in the opinion of Staff, the proposal meets the intent of the ordinance and adequate separation from the neighboring parcel will be provided with a minor adjustment to the minimum setback.

However, as this home site is within a platted subdivision, staff is conscious of the home site's presence within a platted subdivision and the interest the Stonegate Home Owners Association (or collective representation of the property owners) may have in the Petitioner's request. Barring any concerns of the Stonegate Home Owners Association (or any other party entitled to receive personal notice) being made of record during the disposition of the Petitioner's request, Staff would not oppose the request for a two (2) foot reduction of the required five (5) foot minimum side yard setback for the proposed at grade improvements.

## **PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS**

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

*(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

*(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

*(c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

#### **STAFF RECOMMENDATIONS**

Staff would be supportable of the design standards variance for a deviation from the required side yard setback in Docket #2019-17-DSV, subject to substantial compliance with the submitted concept site plan.

#### **RECOMMENDATION MOTION**

I move that Docket #2019-17-DSV design standards variance to provide for the addition of a swimming pool which deviates from the required side yard setback, in the Rural Low Density Single-Family & Two-Family Residential Zoning District for the property located at 6724 Jons Station, be (Approved as filed, based upon the findings of fact / Approved as recommend by Staff/ Denied/ Continued).

#### **PROCEDURAL NOTE**

Applicable requirements of the Indiana Pool Code (Code) have not been reviewed by the Town in conjunction with the application seeking a Variance of Development Standards (as the filing does not, and is not required to, contain construction details associated with the pool's contemplated installation). The final location of the pool may be influenced by Code requirements identified during the normal course of review of an Improvement Location Permit associated with the contemplated improvements.

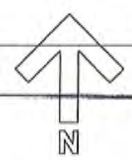




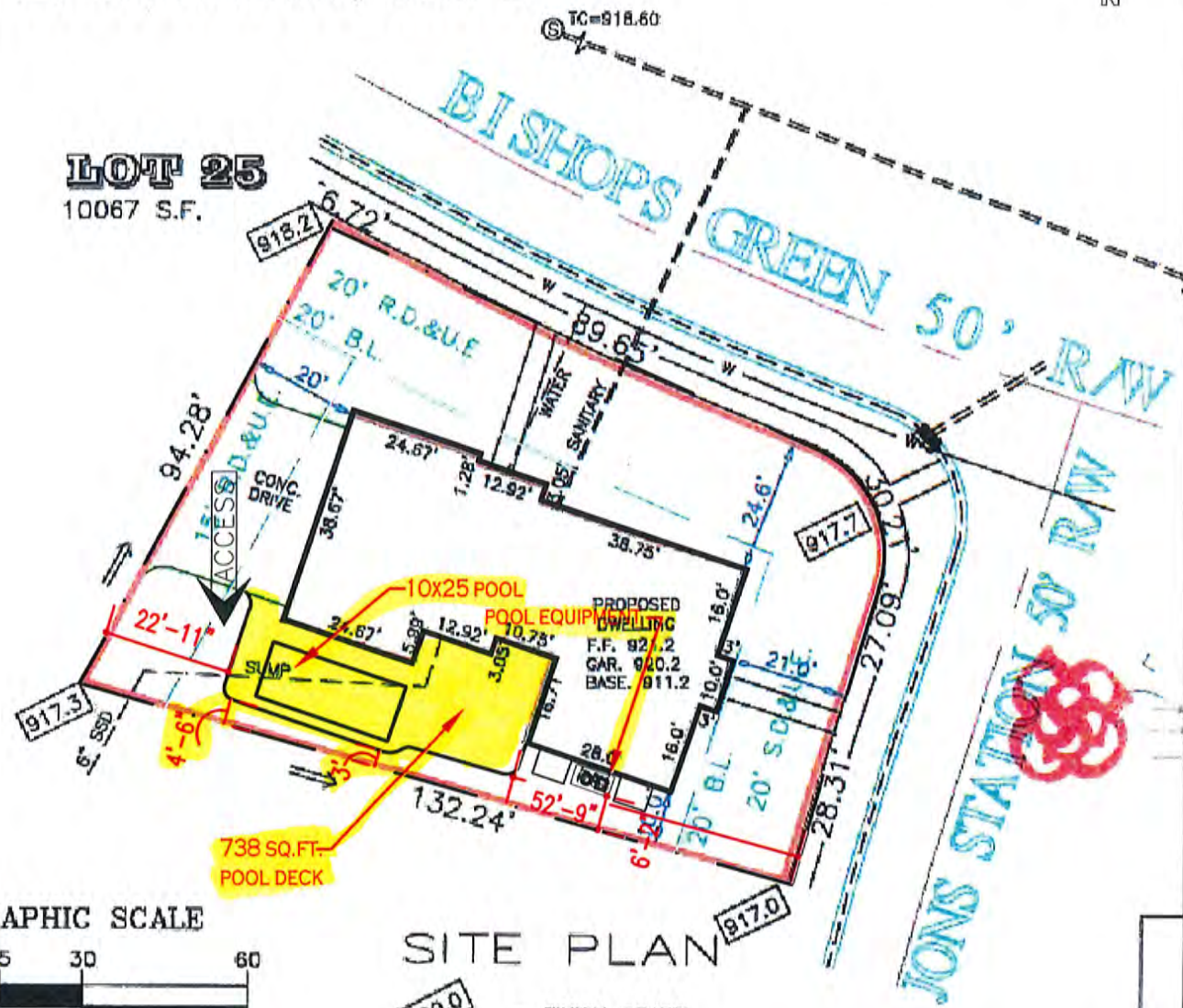
Exhibit 2



# LOT 25, STONEGATE, SEC. 2



**LOT 25**  
10067 S.F.

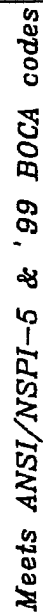


Miller Surveying 948 Conner Street Noblesville, In. Ph. 317-773-2644

Exhibit 3

SARAH MOORE			
ADDRESS	6724 JONS STATION		
CITY	ZIONSVILLE	STATE	IN ZIP 46077

## STANDARD PANEL LAYOUT



ALTERNATE WEDGE BOTTOM CONFIGURATION

4'-6" MAX

1'-4"

3'-9" MIN

3'-9" MIN

28"

3'-4"

3'-9" MIN

NON-DIVING POOL  
Use of diving equipment prohibited



**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS**

**BOONE COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The pool will be installed by a registered contractor in accordance with the Town of Zionsville and State of Indiana Residential Swimming Pool Codes and Ordinances. An automatic key operated safety cover will be installed.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The installation of an in-ground swimming pool will not add bulk to the property. Proposed pool will not be intrusive to adjacent properties as grade and elevation will remain the same after installation.
3. Strict application of the terms of the zoning ordinance will result in unnecessary hardships in the use of the property because: The lot setbacks prevent the capability of allowing the placement of the in-ground pool on our property for future enjoyment.

**DECISION**

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In Attendance: John Wolff, Joe Kremp, Steve Mundy, Julia Evinger. Absent is Larry Jones.

Staff attending: Wayne DeLong, Darren Chadd, attorney.  
A quorum is present.

Wolff Good evening, and welcome to the July 9, 2019 Board of Zoning Appeals meeting. The first item on our agenda is the Pledge of Allegiance.

All Pledge.

Wolff Thank you. The next item on our agenda is attendance.

DeLong Mr. Kremp?

Kremp Present.

DeLong Mr. Jones?

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Evinger?

Evinger Present.

DeLong Mr. Mundy?

Mundy Present.

Wolff Thank you. The next item on our agenda is the approval of the meeting minutes from the May 14, 2019 meeting. I would open that for discussion and I would lead that with, I made note, as I was reviewing minutes, that, Ms. Evinger, we had you in there, and I made a note that I don't think Julia was here, and so that note made the minutes. And, so I think what I would suggest that note should be stricken out from the meeting minutes. Other than that, I am fine with the way they were presented.

Evinger Okay. And, I'll abstain from the vote on the minutes since I was not present.

Wolff Perfect. Any other comments about the minutes from the May 14 meeting?  
Thank you. With that I will entertain a motion.

Mundy I move to approve the minutes of May 14, 2019.

Wolff Thank you. Steve, are you amenable to my correction?

Mundy With the correction that you asked for.

Wolff Thank you. Is there a second?



Kremp Second.

Wolff All those in favor, please say aye.

All (except Evinger) Aye.

Wolff Those opposed, say nay.

[No response.]

Wolff Motion carries. Next item on our agenda is continuance requests. Are any of our petitioners here tonight going to seek a continuance request? Seeing no one jumping up towards the podium, I will move on. Now we have continued business. Seeing none, we will move on to new business. The first item on our agenda tonight is Docket # 2019-14-DSV, for 250 North Maple Street. Will the petitioner please come forward and state your name and address for the record, and briefly describe what you are asking for tonight. Sorry, I talk fast.

Young I'm just representing the homeowner. He is out of town for business.

Wolff Perfect. So, I need your name and address.

Young My name is Kevin Young. My address is 45 Redbud Lane.

Wolff Perfect. Thank you. And, you said Kevin?

Young Yes.

Wolff Thank you, Kevin. The petition in front of us, could you briefly describe what you're asking for?

Young It's permission to build a paver patio on the side of this home. Its permeable paver patio, so there will be no water shed, it will kinda go down a drainage system, and some plantings, and a pergola outside.

Wolff Okay. And, as I look at this in front of us, Kevin, are you the builder?

Young Yes.

Wolff Okay. Thank you. Now I understand the relationship. There is also, so we have a couple problems with this petition. I shouldn't say problems. A couple requests here. One is to deviate from the side yard setback, and the other one is total lot coverage, right? Okay. And, so what you're proposing is this patio would move the lot coverage to 40.54%.

Young Yes.

Wolff As best our calculations are. And, what material are you planning on using?

- Young            It's a concrete paver, but it's permeable, so it has gaps in the center, so it will actually, the water will drain down through the patio.
- Wolff            Okay. And, then, have you seen, we did receive two letters of remonstrance from neighbors. Have you seen any of those?
- Young            No.
- Wolff            Okay. So, and they certainly have the opportunity to speak. One concern was about drainage, and one concern was about, kind of, the lot coverage and the side yard setback. So, kind of both aspects there. Could you briefly discuss how this will drain, or how this will affect the drainage of the property?
- Young            Yes. The patio itself will actually not have any more water shed or any more drainage problems. I actually spoke with the neighbor to the, I guess it would be the north.
- Wolff            Okay.
- Young            And, talked to him and told him that we could, because right now his lawn is a little lower than the existing grade, and we can put in a drain system, the two downspouts will be carried out, you know, into the back yard. And, I can help him kind of correct that drainage problem in that area as we're doing the grading and everything, as well.
- Wolff            So, the downspouts that you're referring to, are they on the petitioner's property or the neighbor to the north's property?
- Young            The petitioner's property.
- Wolff            Okay.
- Young            So, right now they just dump out, because there is nothing there now at all, so it's just dirt. So, the water is really just kind of taking off and going - -
- Wolff            --Yes, in theory it should be absorbed in the ground, but what actually happens is it puddles up. And, so what you're proposing is that potentially those downspouts could be moved, kind of collected into a corrugated pipe and moved.
- Young            Exactly. Yes.
- Wolff            Any questions for the petitioner's representative?
- Kremp            Just one question.
- Young.            Sure.
- Kremp            The petition as presented had vertical improvements. I think staff has raised it and you'll probably hear a little bit about it. Concerns about those improvements violating the setback. Have you made any adjustments to the site plan?



- Young I did. I actually made the patio smaller, and in two different areas shrunk the sides of it, and then the structure has no roof. The pergola doesn't. It's just an open-air structure.
- Kremp How close to the property line will the pergola be?
- Young The pergola will be probably 18 inches to the property line.
- Kremp Okay.
- Wolff What is the height of the pergola?
- Young It will be a total of like nine and a half feet. Underneath it will be eight feet.
- Evinger I think staff's recommendation is a further setback, wasn't it?
- DeLong Correct.
- Wolff And, I'm sorry. So, I get my notes right. You said 18 inches off the property line?
- Young Yes.
- Wolff Okay. And, it's a timber structure?
- Young Yes. It's all cedar.
- Wolff One of the remonstrators mentioned that it's difficult for, as I look at the property. See if I can get my bearings right. South. North. The garage sits on the west of the property, kind of the back of the property.
- Young Yes.
- Wolff And, it's difficult for the homeowner to get from the south of the property, no, I'm wrong. West of the property to the east of the property. For example, with a trash bin. It doesn't look like your plan includes any sort of walkway from the existing back of the yard to the front of the yard. Correct?
- Young Correct.
- Wolff So, it's kind of just an island off the north side of the property?
- Young Exactly. Yes.
- Wolff Okay. So, this will not address that issue?
- Young No.
- Wolff Any other questions for the petitioner's representative?
- Mundy You said you'd set the pergola back, there is a greater setback. Is that different than what we have received?

- Young I think it's what shows on the drawing, they did drawings. Originally, I had it closer to the property line, but I pulled everything back away from the property line.
- Mundy Okay.
- Young I think what you have now is what it's going to be.
- Mundy Okay.
- Evinger So, again, you mentioned that it was 18 inches and staff had recommended 5 feet away from the property line.
- DeLong Correct. That's what the staff reports speaks to, yes.
- Kremp Did you discuss that, or did the petitioner discuss that with staff, whether or not it's possible to do the five feet?
- Young If we did 5 feet off the property...there is only, it's only a 10 x 12 structure now. Because it will only be a five, you know, 5-foot little structure definitely. Worse case, we can eliminate the structure if that's a problem.
- Wolff You're concern that is, with a 5-foot structure, if you moved it back, it aesthetically wouldn't look right. It would be kind of a - -
- Young --Yes. It kind of honestly would be kind of useless at that point.
- Mundy The purpose of the pergola is purely aesthetics, isn't it?
- Young Well, that and a little shade.
- Mundy This is on the north side of the house. Correct?
- Young Right.
- Mundy And, there are some bushes or trees on the adjoining property. I am not sure how much shade you'll get from a pergola in that location, but okay.
- Young A little bit. Not much.
- Wolff And, Wayne, I want to certainly have the opportunity to hear the staff report in a few minutes, but I do, while I have it in my head, you're concern, or the Town's concern, with the location of the pergola was that at a height it would obstruct and encroach more because it is at height to the neighbor's property. Is that correct?
- DeLong In part. Certainly, the Town has its ordinances looking to manage the height, bulk and density of individual structures that are located on a property for a number of reasons. Bulk regulations specifically designed to deal with fire separation, and the idea that an unrated structure such as a wood-tempered structure in proximity

to a lot line is a little more intrusive than a managed structure that is dry-walled and is fire-rated. So that's one conversation point of separate.

Kremp I just want to circle back, and you may not be able to address this as something specific to the petitioner, but on the, with respect to, we're going to hear from a remonstrator, this trash issue, you're effectively, as least from the plan, it looks like you're blocking the north side with the landscaping there is no plan of access to the road from the north side. So, as I understand this, the photos I've seen, that on the south side, there is an air-conditioning unit right next to the property, and that, or to the building, and the building is 5 feet off the property line, which is in the setback, or which complies with the setback. Won't that effectively make it impossible for the petitioner to take his trash to the curb without going across the adjoining landowner's property? I think that's what's occurring now.

Young Well, I didn't know anything about the trash can situation.

Kremp And, I don't know how significant that is, but it was significant enough for somebody to put it into a letter.

Young We could always leave it between the hedge, or whatever, or kind of do a hedge this way, and this way, so there is actually an open way to get through there. So, that's something that could be done.

Kremp Okay.

Wolff And, Mr.-- it was Young, correct? Kevin Young? Yes, I certainly appreciate your position on it. You may not have all the information. So, thank you for coming in and I certainly appreciate that. I do have a question. Are you aware if the actual owner of the property was, did he discuss any of the remonstrator letters that we received?

Young No.

Wolff Okay. So, you weren't, you kind of came in blind on that one?

Young Yes.

Wolff Okay. Fair enough.

Mundy The drawings show some plantings all along the very north side, north of the patio, north of the pergola. Are those plantings ones that would be done by the petitioner? Or are those on the adjoining property?

Young It's on the property that we're working on. And, everything should fit on this property. The main hedge across the screening where the pergola is, they're just some arborvitae. They don't get very wide or big. If you look at is, I guess, that would be to the west, the shrubs there, they're just like hydrangea and things like that.

Mundy That's, you know, further - -



Young --Towards the back yard.

Mundy Yes. Okay.

Wolff Any other questions for Mr. Young? I don't see any questions. We may have a few more in a minute. But, thank you. Are there any remonstrators here tonight to discuss this project? Please come forward, state your name and address for the record.

Sanderson Good evening. My name is Greta Sanderson. I'm at 260 North Maple Street. So, we are the homeowners on the north side of the property. And, my husband, yes, has spoken with Kevin. He has been very accommodating to hear our concerns about the drainage, and the fact that it is directly butting up against our yard and our landscaping, and some things that we have recently had done, and some things that have been there for a number of years. We have been there for almost 30 years. And, some of the significant plantings we are talking about on the side, where he is going to put the arborvitae, I think there are some plants there, 10-foot lilac bush, and a few other things there, that apparently are over the line, which I understand. He can, you know, do with what you wish. You know, that's a concern, is how those are going to be taken out, and what impact that might have that's on our side, to get something out that's that big in that tiny space, I think would be a bit of a challenge.

My primary concern, though, is the drainage, and I attached some photographs that you can see. I think with some of the recent rain events, which kind of a 50-year event, with this is normal Indiana heavy rainfall, there is no designation on the design where the well is there, the back to catch some of that extra, and that structure you see behind some of the shrubs is a generator. So, there are some water problems already. I know the basement has had water, when they had, when they were digging the foundation for the home, they had a natural stream, and obviously it's at the bottom of the hill in the Village, so we always have water. So, that is a concern, and I appreciate that it's, you know, the permeable pavers that should help accommodate some of that, but given that there is already an issue, it seems to me that allowing any additional coverage than what the allowance is for pervious pavers is not called for. The second fact is, Kevin said he can make some accommodation and some adjustments for the grading and the drainage, you would really welcome, but I would appreciate if, depending on what is ultimately decided that there is something in writing to guarantee that because we have had issues with the initial home, and what we were told was going to happen, and that wasn't exactly what ended up happening. So, I would appreciate, and the same thing for the pergola setback and those other things, that that be put in writing so that that is more of a requirement. And you know, I appreciate the design of it. The aesthetics. As you know, in the Village we're very friendly. I often say we can pass a cup of sugar, you go out one window to the neighbor next door. So, I understand that that's what we're there, and that's part of living in the Village, which is what we all love. I just feel that especially with the driveway being back there and that concrete slab, which I understand does not count for lot coverage. I'm not quite sure why that is, because it is a whole lot of concrete that is completely impervious, and it's much higher than the alley. It's higher than our grade, and all of that water has to go somewhere. So, I appreciate your thoughts and I would be happy to answer any questions.

Wolff            Thank you, Mrs. Sanderson. So, I do have a couple questions. Really, what I need help with immediately, is can you orientate me on some of the pictures you provided us?

Sanderson       Sure.

Wolff            So, it looks like I'm looking at a paved area, and then next to it there is some gravel. Is that the alley? Does the gravel represent the alley?

Sanderson       The gravel is alley. So, all of them are the back of my yard.

Wolff            Okay, so this is your property?

Sanderson       Ours is the last one that you will see that has that well, the dirt pile. That is the area in question.

Wolff            Okay.

Sanderson       And, that's the other drive, that very last one. I just wanted you to see where that well was, and how big that concrete slab is, and the grade of what that is that's existing. So, you can get a feel for where that water is flowing. I have a video if you want to see.

Wolff            I love AVs. Okay, so that concrete slab I'm looking at, and that garage, that's your property?

Sanderson       The one covered with water is my property. Yes.

Wolff            Okay.

Sanderson       The last one in that fourth picture, well maybe they're not in the order.

Wolff            This is the new property.

Sanderson       The one that's dry is the new property. The ones with water is mine.

Wolff            Okay. So, that well sits between your two properties? That catch basin?

Sanderson       It's in between, yes.

Wolff            Okay. I understand now. Thank you. And, then I do have, you made a comment, and I'm going to ask some of my other Board members if they have any questions, but, I think what I heard you say was you would be more in favor of keeping it in line with what the current zoning ordinance is, and you have some concerns with the drainage. Would you be amenable to, if this property, I'm sorry, if this petition included some discussion and written assurances that the downspouts were addressed, and moved to a different part of the property, as well as maybe some sort of French or permeable drain around there, would that be amenable to you, or is that not going to address the problem?

- Sanderson I would prefer, I mean, there is just nowhere for it to go. Where, I mean, we're talking 10 feet. What are you going to do if you move it somewhere? Where will you move it? The street already floods. We can't put it into the street. The alley is already flooded. Where would you even reroute it to, I guess would be the question.
- Wolff Yes. We certainly need specifics on that. I agree.
- Sanderson Yes.
- Wolff Okay. Any questions for Mrs. Sanderson?
- Kremp I have a few. With respect to your photos, the water that's shown, just so I'm clear, this is, in this sort of a rain event before the house was built, that we're talking about that's requested, the variance, did you have similar drainage issues, or this is all directly related?
- Sanderson We never had drainage that went all the way along the back of the yard. We would get a little bit in one corner of our apron, especially if they re-gravel the alley and it gets higher, and my apron does not. So, we have had some, but never halfway up my apron and never all the way along our back yard.
- Kremp Okay. So, you're comfortable that the house, as constructed, is the cause of the drainage issues that you're, substantially the cause of the drainage issues that you're seeing.
- Sanderson Yes, sir.
- Kremp Okay. And, one other question. Because I was, again, just to make sure I understand what I'm looking at.
- Sanderson Sure.
- Kremp On the photos, I understand that this is the, this isn't going to reflect well on the record, but I understand that the photo on the top right of the letter that was submitted, that is, that shows the driveway of the property.
- Sanderson The one that is dry. The only photo that's dry is the property in question. All the other three that show standing water are my property.
- Kremp So, the very first photo, the top left photo then, is that looking, that's looking from behind your property?
- Sanderson I just attached them. So, I'm not sure. Can I come see what you're talking about?
- Kremp Absolutely. It looks like you may be taking it from the alleyway towards your property.
- Sanderson This is the property in question, and that's the side right there, and then this is where it begins. My alley. So, it continues, this goes to this, and continues all the way over.



Kremp            Okay.

Sanderson        So, this is effectively the same picture as this.

Kremp            Okay. I gotcha.

Sanderson        With the standing water. And, then this is as it goes farther down along the back of my yard, all of the standing water in the alley.

Kremp            Okay.

Sanderson        So, this standing water, all the way from the driveway, all the way to the other side of my property.

Mundy            The question here, we see the property in question here, and the grill that's near the alley, which - -

Wolff             --I'm calling that the drainage pit.

Sanderson        [inaudible]

Wolff             Well, it's difficult for us to keep it into record. So, is that?

Sanderson        Yes.

Wolff             Okay. Perfect. So, it's just - -

Sanderson        It's almost the exact same view. One with water, one without.

Wolff             Okay. I understand. Thank you.

Sanderson        Yes.

Kremp            And, that helps to clarify it.

Wolff             Yes.

Kremp            The photos were taken at different times.

Sanderson        Yes, because I wanted to show, I took that last one just yesterday because I noticed that the collector was not on the plan anywhere.

Wolff             Yes.

Sanderson        I wanted you to see where that was.

Wolff             So, I'm going to label these, I'm going to start at the top left and call it 1, and go across to 2, then the bottom left is 3, and then the 4. So, okay, perfect. Any other questions for the remonstrator?

Mundy            The 10-foot lilac that you mentioned, is that planted on your property?

Sanderson        I believe it is over the line.

Mundy            But, it's spread, you know, the base is on your property.

Sanderson        It is right along, there is quite a few things. There is ones that are right on the corner of my house. I mean, that property line goes very close to the corner of my home, but looking at the site, and I'm not disputing that. Those are over the line. You would think that maybe that could be incorporated, or salvaged, than try to tear that up, but they're not great. It's fine. I get that they want to replace that. That's their prerogative. I'm just concerned about what damage that might happen on our side if they try to do that. I don't know if that's anything that's in your purview to put a stipulation that anything on our end made being whole if it's damaged in the process of this installation, and sod that we have at our front yard, which is going to be the access from the street on the east side. We have just put in new sod all along there, and purposely left part of it, because we knew they would be coming in at some point to try to do that, but we prefer that that be protected, as well. It's tight. It's very tight.

Wolff             As you said, a cup of sugar out the window.

Sanderson        Yes.

Wolff             Thank you.

Sanderson        Thank you.

Wolff             Are there any other remonstrators here tonight? If so, please come forward, state your name and address for the record.

Hough            I am Jo Beth Hough at 240 Maple Street, which is to the, just north of the properties, and we are - -

Wolff             --South of the property.

Hough            South of the property.

Wolff             Okay. Thank you, Mrs. Hough.

Hough            I'm not good with direction. Okay. And, I think the Sanderson's are the ones that really have the worst problem as far as the patio is concerned and the variances and all of that, but when they built the house, it so takes over so much of the land that when you put the air conditioner there, we only have like a foot between our driveway and their air conditioner, which you don't want to not be neighborly and say fine, come on over on the property and take your garbage cans out to the front, but it's the principle of the thing that is aggravating.

Wolff             Certainly.

Hough And, we only knew through the Sanderson's that they were building this patio. No one contacted us about it. And I think something like that not being able to get from the back to the front from their own property needs to be addressed.

Wolff Thank you.

Hough Thank you.

Wolff Any questions for Mrs. Hough?

Kremp Just a couple clarifying questions. You said you did not, did you not receive a notice?

Hough We received the notice.

Kremp Or letter?

Hough The letter, but we had no idea of anything. Yes, July 3 we received the notice, but we had no idea of the plans only through talking to the Sandersons of what was going on, and we have no idea if he plans to do anything as far as any type of prettiness, over on the other side of the house.

Wolff Yes. So, what we have in front of us, to be clear, is not that. So, all the construction that we have, that we're looking at tonight, is on the north side.

Hough Is on the Sanderson's property.

Wolff Correct.

Hough Yes.

Wolff But, I think your concern is certainly well-noted and legitimate that it certainly seems like you should be able to go from the front of your property to the back of your property without having to cross into your neighbor's. I think that's reasonable. Thank you, Mrs. Hough. Any other questions?

Kremp Just one follow-up question.

Wolff Sure. I keep interrupting you. I apologize.

Kremp No, that's fine. And, this is really for Mr. DeLong, and it relates to the staff report that we're going to hear a little bit more about, but am I correct that when the house, the petitioner's house, was constructed, there were no variances necessary for the construction of that house?

DeLong Correct.

Kremp Okay. So, this will be the first variance then that's been requested with respect to that property.



- Hough I will. Okay, that was a confusion too, because the house that was originally, that we were shown, that was to be built there, is not the house that was built. And somewhere along the line they changed the structure of the house to where it doesn't have a nice porch and to fit in with the neighborhood, and we ended up with this house, that's there now, and they just did not allow enough room. So, thank you.
- Wolff Thank you. Are there any other remonstrators here tonight for this particular petition? Okay. Seeing none, Mr. Young, I don't have any additional need for you just yet. With that, Wayne, can we have the staff report?
- DeLong Yes. Thank you. As we discussed in pieces earlier, we provided some of the staff report, it was provided again in totality here. Staff is supportive of the lot coverage as requested. The lot coverage, as you know, and certainly speaking to the public, as well, when staff is looking at these types of requests, we are analyzing the adjacent properties, properties that are in proximity. And, in looking at what those properties enjoy. And, so the lot coverage that is being requested is something that is similar, and has been achieved by other properties in the area. However, focusing on the setback requirement, as mentioned earlier, there is part of the concern with the reduced setback, is separation of structures for fire rating. And, the building code speaks to that and allows for that when the structures are rated. Dry-walled, half-hour, one-hour fire rating. Facilitating this type of construction limits the opportunities of others to reduce their setbacks, as well. But more importantly, the separation should be maintained at some standard, and that's where staff comes to the number of 5 feet, which is, by chance, the minimum setback in the Village, but that does help facilitate the relationship between the other properties, and specifically staff does not focus on it, but certainly has a great point, the movement of the waste receptacles from one side of the property to another.
- Wolff Thank you, Wayne. Discussion amongst the group?
- Evinger I agree as far as the removal of refuse, but it should be done on your own property. Even when we have signs that go up, we always make sure that they have 3-foot around the signs to make sure there is adequate clearance without having to encroach in someone else's property to maintain that sign.
- Wolff We've had that discussion with mowers and things.
- Evinger Correct. And, I think the same thing applies when you're looking at a residential property, especially if there is already a problem there where they're having to use someone else's property to do this. Now they're going to be deliberately building a patio that would permanently eliminate potentially the opportunity of using their own property to be able to take out the trash.
- Wolff Yes. Thoughts or discussion about the pergola structure?
- Kremp As I understand, Wayne's concern, it is isolated to the vertical. It's with respect to the pergola only. The patio itself. If they remove the pergola entirely, would staff be in support of the aspect of the petition to modify that, or I guess, encroach on the setback, or modify the setback?

- DeLong Well, the, I mean, with this discussion regarding the movement of property, physical movement on the property from point A to point B, it's concerning that the physical improvements, the plantings, the other features would make that impossible. And, staff would certainly be happy to re-look at what we put here, and provide a modified recommendation for you, but certainly staff does have concerns about what's been presented this evening. Staff does not typically evaluate vehicular movement of trash cans, but that's a great point.
- Wolff Well, that's why we have public notice, and I think that's certainly a valid concern by the neighbors. I have problems with this petition as we see it right in front of us right now. And, I'm not sure, with no offense to Mr. Young, I'm not sure he's equipped to answer all of our questions. I think specifically my concerns with this petition are, one, I would like to see a more concrete plan on how we address the drainage. I do think staff raises an excellent point on the height of the pergola next to the proximity of the location of the neighboring property, as well as I do think there is a reasonable argument that there should be a mechanism or a way for one to move trash from your garage to your front yard without having to encroach on someone else's property. With that, I would probably recommend a continuation of this petition until we can get some more clarification on those. But, that's certainly up for my fellow members to discuss.
- Mundy I agree. I think each of those three items need to be addressed. And, you'll have your time, and he asked for our comments right now. I think the drainage is a major issue. Any time there is water that goes from one property to another, generally the receiving end is not happy, and they have every right not to be if it's caused by the other property owner. So, I think that has to be addressed. I think that it is imperative that if someone has trash that they need to take and use their neighbor's property to do so, the neighbors should be inviting them to do that. Otherwise, they should not be doing it at all. So, that needs to be addressed, as well. And, the other part is the pergola. When you talk about bulk, this home is much larger than its two neighbors. And, many of the others, as well. Add a pergola and some additional landscaping, and I think the bulk from a visual standpoint increases significantly. I think all of those should be addressed.
- Evinger And, as far as the pergola, it's not just the height. I think it's also dimensions like, as far as where the setback is, and I think if you wanted to keep a pergola on the north side of the house, and you felt that that was necessary, you could always extend it so it's a little bit more horizontal.
- DeLong Yes. Lineal.
- Evinger Lineal, to be able to still have adequate coverage for seating without making it just a little plot that's square. So, I think that should be readjusted, as well.
- Wolff I think I can sense where this is going. Mr. Young, could you come back forward? So, unfortunately, you weren't made aware of the neighbors' concerns prior to this meeting, and so it's difficult for you to address them, and that's perfectly reasonable. What I think I'm understanding is, as a group, and please correct me where I go wrong, I think we have a couple concerns, and I think you have heard them. We would like to see, what I would suggest, or what I think is

going to happen is that we're going to continue this motion until the next month, or if you need more time, we can do that, we can extend it out farther than that if you'd like. But, I think we'd like to see a more specific plan that, one, addresses, or I guess, addresses the concerns that we've discussed, which is the drainage and how, again, I'm sure you can come up with creative way of doing that, but we would like to see the specifics of how you're going to do that. Two, I do think it's reasonable that, if you look at the south side of the property, it's difficult to navigate a trash can down that way, and I think we'd like to see a little more detail on how they could actually use their property to stay on the property to do that. And, then, I think the Town has concerns, and I think of my fellow Board members do, about the pergola and its location and its size. So, feel free to comment, but I think we'd like to continue this and discuss that more in detail next month.

Young            Okay. The trash can thing, I think the reason that's happening is because his back yard is mud right now.

Wolff            Yes.

Young            So, if he wheels through the back yard, it's just mud and it's taking mud everywhere.

Wolff            Yes.

Young            Once the patio is in, and the lawn is in, they can easily go from there, go through the patio, and by making an opening in that front edge, easily can go in and out, and that, you'll be right to the side front sidewalk and go out and then take the trash out that way.

Wolff            I would be amenable to that solution. And, that seems like a reasonable approach. I understand that, yes, tracking those wheeled trash cans through the mud is not much fun. So, that makes sense to me, but I'd like to see that specifically addressed. Anything I missed?

Young            I think, he and I talked already about the pergola maybe being an issue. And, he's completely okay with just eliminating that and getting rid of it if it's, you know, the best thing for what he needs to do.

Kremp           I see as one of the biggest hurdles is to get comfort on the drainage issue, and have your neighbor make sure that your neighbor is also comfortable on the drainage issue.

Wolff            Yes. So, with respect to people's time and property, feel free to reach out to the neighbors and work with them. I'd love to see everyone come back together with, this is what we think is the best solution for everybody, and with that, it's an easy decision for us. All right. Thank you, Mr. Young.

Young            Thank you.

Wolff            With that, I'll entertain a motion.



Zionsville Board of Zoning Appeals  
July 9, 2019

- Evinger I make a motion that Docket # 2019-14-DSV be continued until the August meeting. What day is the meeting?
- DeLong It should be August 13.
- Evinger To the August 13 meeting.
- Wolff Thank you. Is there a second?
- Kremp/Mundy Second.
- Wolff Thank you. All those in favor, please say aye.
- All Aye.
- Wolff Those opposed, please say nay.
- [No response.]
- Wolff Motion carries. Thank you. Next item on our agenda is Docket # 2019-15-DSV, for 8218 East 550 South. Will the petitioner please come forward and state your name and address for the record?
- Pollif Good evening, my name is Sam Pollif. 8218 East 550 South.
- Wolff Mr. Pollif, could you please briefly describe what is in front of us tonight?
- Pollif Yes. We are interested in turning one of the existing barns on our property into a rec area for use by our family and children, adding a bathroom next to our pool that we have got on the back of the property. The issues we have existing, accessory roof structures that exceed the size of the house, so it was grandfathered in place from when the Town absorbed the country property in 2010, I believe. And, so we need a variance order to be able to move forward with permitting the project.
- Wolff And, the other one that's in front of us is the lot width to depth ratio?
- Pollif Correct. Yes. We identified that with help from the Town as we were submitting the initial variance that it's a flag pole lot. It's 900 feet back and then it kind of opens up into the actual property, as a total of 7 acres with the two parcels.
- Wolff Okay. So, my personal opinion, they may have, I'm not worried about that one too much. I'm not going to make you... I don't know how you'd fix that at this point. We just want to make sure that we have it on the record that this is in compliance with this variance. So, we'll deal with that one kind of separately, and I'm not terribly worried about it. Let's talk about the excess allowed roof accessory structure. Are you adding, with this renovation, are you adding additional accessory structures?
- Pollif We are not.

- Wolff Or any additional roofed area?
- Pollif We are not.
- Wolff Okay. So, you're just modifying the current, what is there currently, and it is one of the two larger barns that are on your property.
- Pollif Correct.
- Wolff Okay. And, then, I'm sorry. You mentioned it, but it's going to turn into a pool house?
- Pollif Essentially, yes. We have a bathroom. When we eventually get around to redoing our kitchen, we're going to bring some of the cabinets from the existing kitchen out to have a little kitchen in that area in there. So, if the kids are playing ping pong, they can make popcorn and have sodas and juice in there.
- Wolff Yes, right. So, but you don't have any intention of adding a bedroom and/or, like, another rentable space or anything like that?
- Pollif Correct. Yes.
- Wolff Okay.
- Pollif And, if you look at the plans, it's essentially one giant room with a bathroom.
- Wolff Yes. Any questions for Mr. Pollif.
- Evinger Are you on city water and city sewer, or is this well and septic?
- Pollif It is well and septic.
- Evinger Okay. And, did you check with Boone County to make sure that adding that extra bathroom, you'll still have enough capacity?
- Pollif Yes. We actually have a separate project going on right now to add a bedroom, so we're actually expanding the septic system, but we do have an approved permit from Boone County for the additional bathroom in the barn.
- Evinger Okay.
- Kremp So, is the pool in at this point?
- Pollif Yes. We put that in last year.
- Mundy Is the pool, kind of parallel to the structure that's nearest the house? There is a small square there, and it's got something written in there, but it is so tiny I don't know if that, is that the pool?
- Pollif Yes. That is the pool. It runs alongside the front barn. And then we are basically putting a slider around the back barn that opens out towards the pool area there.

Mundy Okay.

Kremp So, just to clarify, there are no modifications to the exterior of the structure that are occurring?

Pollif We are adding a slider to the exterior. That's the only modification.

Kremp Okay.

Wolff But, nothing, it's not going to be larger?

Pollif No, we're not adding anything larger. We are not adding any roof to it. It's just getting some natural light in.

Wolff Yes. Make it a little more accessible. Certainly. Any other questions?

Evinger I think that, just, you asked the question that I had and just to make sure that it was not going to become residential in nature. That it would not be - -

Wolff --I knew you were going to ask that question. It's always a good question. Okay. Thank you. Are there any remonstrators here tonight? If so, you won't get invited to the pool party. Seeing none, I will entertain the staff reports.

DeLong Thank you. Staff is supportive of the petition for two reasons, as previously discussed this evening. First and foremost is the parcel itself is existing. The lot dimensions are established, so this petition searches and seeks to move those items from a grandfathered status into a recognized non-conformity. As far as the accessory over primary, again, you know, you're working with and addressing existing structures. The petitioners found this to be a challenge, and is working through that. We appreciate them addressing this through this variance process. This will enable the property to move forward and be remodeled to the features that they desire, and do that in a legal manner, if you will. Again, staff is supportive of the petition as filed, and I'd be happy to answer any questions.

Wolff Thank you, Wayne.

Evinger One question, Wayne. Do we, normally we have two different Docket numbers. If one is design standard and the other is going to be non-conforming use, is that not true? Do we need to have numbers here?

DeLong Well, so if this had filed for an LNCU certificate, then, yes, you would see a different type of case number. But, since they're searching for a process that's exceeding those limitations, the LNCU offers, for example, with the LNCU if the property is over 2/3 destroyed, it must come into compliance. This, meaning this variance, if that's what the Board approves this evening, would surpass that. So, if there was some sort of calamity that was exceeding that 2/3 standard, the property could be restored back to the insured loss, if that's the case.

Evinger Okay. Just making sure.



- DeLong            Certainly. Good catch.
- Wolff            Wayne, this is an interesting area. In fact, I think we just got through a petition not too long ago in this area. I guess my comment would be, and when I read it in the staff report, and what I know from that particular area is this is, the accessory structure is consistent with the area. Correct? It what other neighbors enjoy?
- DeLong            Correct. This Board, of all Boards, is extremely familiar with this stretch of 550 in-between 875 and 800, both on the north and the south side. There have been multiple variances within the last 7 years supporting the existing development pattern in the area. There have been seldom a change out there, but when there was a new lot created it sought to mirror the same characteristics, or similar characteristics, that other folks enjoy. So, certainly again, you're super familiar with this area.
- Wolff            Perfect. Thank you, Wayne. Any discussion amongst the group? Seeing none, I will entertain a motion.
- Kremp            I will make a motion. Without my glasses on, so. I move that Docket # 2019-15-DSV, design standards variance petition in order to provide for the improvement of an existing accessory structure, which one, exceeds the allowable roofed accessory square footage, and two, exists on a lot which exceeds the lot width to depth ratio of 3:1 in the rural low-density single-family residential zoning district be approved.
- Wolff            Thank you. Is there a second?
- Mundy            Second.
- Wolff            All those in favor, please say aye.
- All                Aye.
- Wolff            Those opposed, please say nay.
- [No response.]
- Wolff            Motion carries.
- Pollif            Thank you very much.
- Wolff            Have fun. Next item on our agenda is Docket #2019-16-DSV for 760 West Sycamore Street. Will the petitioner please come forward and state your name and address for the record?
- Hamilton           Stacey Hamilton. I currently live at 810 Pine Street but I own 760 West Sycamore.
- Wolff            Thank you, Ms. Hamilton. What are you here for tonight?

Hamilton I am here to request a rear setback variance on the northeast side of my property in order to accommodate a bedroom and bathroom addition that I'd like to add.

Wolff So, as I looked at your property, it's an interesting shape. Correct? It's not a traditional square. It's got a flag with the garage on the, let me see if I get my, that's the northwest corner. So, the addition that you're proposing is on the northeast corner?

Hamilton Yes.

Wolff Okay. Can you tell us a little bit about that addition? So, you said that it was a bedroom and a bathroom. Do you have a square footage idea? I'm not going to hold you to specifics. But if you can give me a round number.

Hamilton Well, I have, this is my [inaudible]. It's going to be a three-bedroom, two bath addition.

Wolff Okay. Two stories?

Hamilton Two stories.

Wolff Okay.

Hamilton And, I believe that footprint is probably 550 square feet.

Wolff Okay. So, for the record is was 550 square feet, is what we think. About.

Hamilton For the property, two-story though.

Wolff Right. Correct.

Hamilton Right. Total of 1100 square feet.

Wolff Correct. You're going to consume 550ish square feet of the lot.

Hamilton Yes.

Wolff Understood. And, we also got a conceptual rendering today, I believe, which I'll be honest with you, confused me a little bit. I'm just trying to get my, am I in the back yard looking at this?

Hamilton Yes. So, as you look at the, yes. So, you would be between the garage and the home if you look at it on the Exhibit 2, which is this one. You'll see my garage is this one.

Wolff Yes.

Hamilton And, so you would be standing on that little brick walkway looking towards this. Towards the east.

Wolff Correct.

- Hamilton That's somewhat, conceptual rendering that I did. So, the building that is adjacent to my garage is another garage owned by a business in town.
- Wolff So, the building, so as I look at your garage, if I'm looking, if I'm going to walk into your garage and I look to the left, that's also a garage owned by a local business?
- Hamilton JEA, LLC.
- Wolff So, it's not residential?
- Hamilton No. It's [inaudible]. And, that's the section of the yard that my addition would be closest to, would be that garage.
- Wolff Correct. And, we don't anticipate any setback issues with that? Or is that the setback that we're - -
- Hamilton --That is the setback I'm asking for.
- Wolff What is the rear yard on this?
- DeLong The rear yard would be 20 feet.
- Wolff Okay.
- DeLong That's what the ordinance would.
- Wolff Okay. Interesting. Okay. Sorry, I'm just trying to get my head around this one. It's an interesting house. Do you know any history about the house?
- Hamilton I do actually. I have been working on for the last few weeks. So, it's an 1820s log structure. Actually, two that were brought here sometime in the 30s, either 1937 or 1939, by Paul Carter.
- Wolff Of the Carter family here in Town.
- Hamilton Yes. And, as I understand, it came from Hagerstown, Indiana. The two structures. And, was erected here in the 30s.
- Wolff So, we don't have any historical issues here, right? Correct? There is another historical landmark riding like that?
- Hamilton No.
- Wolff Other than, it's kind of a, it's been an institution here in Zionsville for many years. So, we like that.
- Hamilton Right.
- Wolff But, it's not protected by any historical society. Okay.



Hamilton Right. Just the reason I wanted to buy it. It's unique.

Wolff Okay. Any questions for the petitioner?

Mundy The addition that you're suggesting, this conceptual rendering, is it, what's it going to look like? I see you have vertical siding, it looks like.

Hamilton When you look at, I believe it's Exhibit 5, which are my powered photos that I attached to each one of your, you'll see the cabin garage, the one that's listed cabin garage, which is this picture right here.

Mundy Right. Yes.

Hamilton So, this structure is going to be board and batten just like that with white windows and a green tin roof to tie in with an already existing structure on the property.

Mundy Okay.

Hamilton So, it's important for me to have that continuity.

Kremp You provided this with a handwritten drawing, but, it's nice actually, but given that you've already retained a contractor to do the work, is there something that's more detailed than what you're providing, you understand what the square footage, or is that, you don't have a more detailed conceptual plan at this point?

Hamilton We don't have renderings or elevations yet.

Kremp She won't be picked up on the microphone. So, you probably should say that - -

Hamilton --We don't have elevations and renderings. I don't have an architect working on it at the moment. I wanted to find out what my variance might look like before I set in motion plans. But, this is conceptually as accurate as I can make it. It will cause the least amount of damage to the log structure, which is my utmost concern, which is the integrity of that structure and trying not to tie a different kind of addition across the entire back of it. So, it being the historic integrity of that cabin is what I'm trying to maintain, while still make it livable, the existing ceiling height and the upper level of that cabin is 6 feet 2 inches at the peak, so it's, my son is 6'3 1/2".

Kremp When I read your petition and saw upper level, I had no idea that there was actually an upper level.

Hamilton Yes. I think it's the prefer language added. That's what I would call it. So, yes. So, the bedroom, there are kind of not feasible bedrooms which is why I would like to add them.

Kremp Just a quick follow-up on that then, So, at this point you're asking for the variance so you can understand what you can put there, but there is really no

- commitment or any sort of, well commitment that you're willing to make right now about the design of that addition.
- Hamilton I have a drawing that shows the interior, but I don't - -
- Kremp --And, I'm not asking you to make a commitment. I'm just trying to understand where you stand in the process.
- Hamilton Right. It will be a first-story master bedroom, French doors out, board and batten siding, side windows. This little structure right here is the smallest 3-foot kind of doorway that I can make in that great room, and the bigger room and least of our lofts that I can take out to create the hallway, as you might call it, to the addition. And, that addition will be very similar to scale. But, that is my vision for it.
- Wolff And, so, we're looking at, as I look at your rendering, which I think has gotten way too much criticism. I think it's just fabulous. As I look at it, on the left of the property, that is the 10-foot yard setback we're talking about. Right?
- Hamilton Yes. To this building, and that is the concrete garage.
- Wolff Cement block garage. Okay.
- Hamilton And, I spoke with Mr. Albers and explained what I was seeking, and he had no problem with it. He did confirm, he wanted me to confirm how far his building was off the property line, and it's five feet. So, his building and then five feet in is the property line. And, so, he said, "So you would like to take yours to ten feet?" I said, "Yes." He said, "So there would be fifteen feet between our buildings?" I said, "Yes." He said, "I have no problem with that."
- Wolff Okay.
- Kremp Just one question. It's really more of a clarification to make sure that I understand that this is essentially a different structure that's going to be connected through a hall of some sort. I just, and this isn't really a question for you at this point, it's more for Wayne or Darren, but that will satisfy the requirements because they are part of the primary structure, just to connect them to that hallway. This won't somehow be considered an accessory structure, correct?
- DeLong No. The hard connection that is both conditioned space, heated and cooled, would facilitate this all being one attached structure. Staff would certainly encourage the width of that hallway to meet certainly some level of ADA. Certainly, that's definitely not applicable to single-family residential construction, but certainly the age in place kind of thought process for any home these days is of top of mind, so certainly the width should be accommodating as possible.
- Kremp Okay. Thank you.
- Wolff Any other questions for Mrs. Hamilton?

- Evinger Just more of a question for Wayne. Because we have conceptual, we know what the intent is, but part of your staff's report, or staff's approval process, is that it would be, that if we were to approve it, it would be basically substantial, or almost the same as what was presented with the site plan, and we really don't have a site plan. So, is that going to be a problem?
- DeLong Well, certainly, you know, this evening the petitioner has indicated, and certainly in their narrative, and we talked about that in the staff report, and in their Exhibit 5, they speak to their interest in maintaining the historical integrity of the property. Certainly, was mentioned tonight, this is circa 1920s log cabin. It is listed as a notable structure in your 1986 Indiana Historical Sites and Structures inventory that was conducted by the Indiana Department of Natural Resources. So, this is a notable contributing piece of fabric to Indiana history, and certainly the petitioner's interest this evening is to facilitate the life of the structure, as well as to provide an addition to it that's complementary to the community, as well as meeting her expectations, and certainly, you know, the listing of the materials in the record, if that's something that she is agreeable to this evening I think is sufficient. Certainly, mentioning terminology that was used previously, substantial compliance with the submitted drawings, with the site plan that's been submitted, and the rendering. I know the rendering is labeled conceptual, but its relevance, and its importance, is rising as we sit here and discuss it. It is important. So, certainly capturing as part of the record is relevant.
- Evinger Okay. That's why I just wanted to make sure substantial compliance with the submitted site plan. I just wanted to make sure that what we had submitted is something that we can fall back on. Okay.
- DeLong Yes.
- Kremp That's one of the reasons for asking that question about what your comfort level is, that if that drawing is something that may change significantly, then we would want to probably understand that that's the case.
- Hamilton I have no plans to change it. That's my vision.
- Wolff The window sizes may be slightly different.
- Hamilton Right. And, it's not scale lengthwise.
- Wolff The cabin garage in the Exhibit 5, that is the materials that you plan on using on the exterior?
- Hamilton Yes. Board and batten.
- Wolff Something similar, something age that looks - -
- Hamilton --It will be board and batten, I believe it's going to be painted white. All the windows in the cabin in this will be painted white, so it will coordinate.

- Wolff Any other questions for the petitioner? Seeing none, is there any remonstrators here tonight? If so, please come forward and state your name and address. Seeing none, Wayne, can we have a more thorough staff report?
- DeLong Thank you. Staff is supportive of the petition as filed. As indicated, this property is uniquely-shaped, and it adjoined by a structure to its north that is not residential in nature, but is accessory, if you will. It's an accessory building, but certainly is the primary structure on that lot. The requested setback is functioning, in essence, as a side yard setback even though by definition this is its rear yard, but given the unique shape of the lot staff could see this as a side yard, but certainly by definition is a rear yard. In essence, in summary, staff is supportive of the petition as it is filed, and certainly, is amenable and open to the other items that's mentioned this evening, and certainly incorporate those into the record, and I'd be happy to answer any questions.
- Wolff Thank you, Wayne. I think, I don't want to speak for the group. I think I am comfortable with the 10-foot setback. I think that's reasonable, something we've dealt with a lot, and especially considering it's a garage. I think what I'm struggling with, and I'm not necessarily struggling with it, is just to make sure that, we want to make sure that it looks aesthetically pleasing, and this may be our mechanism to do that. So, if somebody wanted to try to document that into a motion, I'm not sure how you would, but I'd appreciate it.
- Mundy I'll give it a shot.
- Wolff Or, if there is any other discussion that needs to take place, I won't interrupt that.
- Mundy I move that Docket # 2019-16-DSV, design standards variance in order to provide for the construction of a 2-story addition to the existing dwelling, which deviates from the required rear-yard setback in the RV residential village zoning district for the property located at 760 West Sycamore Street be approved with the understanding that the conceptual drawing that we were provided will essentially represent that exterior of that addition, and it will be board and batten, and much the same form of construction as the garage located on this piece of property, as well. It will be approved based on those conceptual drawing that is provided, and the description I just gave.
- Wolff Thank you, Steve. Is there a second for that motion?
- Kremp I second.
- Wolff Thank you. All those in favor, please say aye.
- Evinger Can I just point of order? Sorry.
- Wolff You may.
- Evinger We didn't mention anything in here about lot coverage. Do we need to mention anything about lot coverage?
- Mundy I don't think it comes close.



Wolff            This lot is exceptionally large for the Village.

DeLong        Correct.

Wolff            Okay. So, I think we're covered on lot coverage. So, with that, I think we need to vote on the motion. All those in favor, please say aye.

All              Aye.

Wolff            Those opposed, please say nay.

                    [No response.]

Wolff            Motion carries. Good luck with your project.

Hamilton       Thank you.

Kremp          Before we proceed to the next petition, I had failed to send you a copy on an email. I had sent it to Wayne. I'm going to, okay, you are aware.

Wolff            Yes. I am aware. So, you will recuse yourself from this one. Yes. Okay. Perfect. I think probably what is appropriate is if you would step outside.

Kremp          I will do that.

Wolff            And then, you need to come back. And, prior to that, so we are short one member. Now we have three members. So, if we are not in an agreement, is it automatically continued?

Chadd          I believe your rules provide it automatically continues.

Wolff            I believe that is as I understand them as well. Okay. Perfect. With that, the next item on our agenda is Docket # 2019-17-DSV, for 6724 Johns Station. Will the petitioner please come forward and state your name and address for the record?

Herman         My name is Tyler Herman. I am with Pools of Fun, who is the anticipated contractor for the project, hired. Our business address is 3891 Clarks Creek Road in Plainfield.

Wolff            Thank you, Mr. Herman. Can you please describe the project that's in front of us?

Herman         Yes. We are asking for a reduction in the side yard setback for the 6724 Johns Station Road for Chris and Sarah Moore, for the purpose of adding a swimming pool. We are asking for a 5-foot side setback to be reduced by 2 feet to a 3-foot side reduction on the property line.

Wolff            Thank you. This is an unusual property in that it sits on the corner and it's difficult to understand what the back yard is, and what the side yard is.

Zionsville Board of Zoning Appeals  
July 9, 2019

Herman Yes.

Wolff But, just overall orientated the correct way. The pool that's being proposed is kind of next to the driveway.

Herman Next to the garage. Yes.

Wolff Yes.

Herman It's forward from the driveway, but on the same side, yes.

Wolff Yes. Same side.

Herman You can argue that it's a side yard, rear yard from the corner lot.

Wolff If you looked at it, I thought it was the back yard. So, okay.

Herman Yes.

Wolff And, then, let's discuss the side yard setback just so I have that clear. So, it's currently 5 feet, and you're suggesting 3 feet?

Herman That's what we're asking for. Correct.

Wolff Where is, inside of that 3 feet, how far away will the water be from the property edge?

Herman Water will be, I believe there is a 2-foot concrete deck, so that would add, that would make the water 5 feet from the property.

Wolff Okay. So, the water will be at the setback, what currently is the setback, and then you'll have a 2-foot, sort of, concrete.

Herman Correct. The drawing that I'm referencing is not, is in scale, but that measurement is not listed, but I believe that's what it is.

? It should be 2 feet where the setback would be, and then 4 feet between the pool and the garage.

Herman Two feet of concrete between the water and the required setback. That's 4 feet from the house.

Wolff Perfect.

Herman Yes. We could not move it closer to the house. There is a service door on the side of that garage there.

Wolff Opens 3 feet and you can't.

Herman Right. You'd come out that door and you'd have a hard stop of water in front of you, so that's why we decided 4 feet, like a comfortable distance. And, normally

- a pool deck that we would pour would be at least a 3-foot ribbon, so we have backed this down to 2 to try and ask for as little as possible.
- Wolff            So, really when you look at that, when you think about that 2-foot on the setback, it's not really for sunbathing, or anything like that.
- Herman        Setback purposes.
- Wolff            Yes. Get around and sweep the pool and things like that, but you're not, there is no going to be a whole lot of activity on that particular.
- Hermann        Yes.
- ?                No. All activity goes back towards the front of the house and then into the house, like the rest of the pool deck comes that way, and comes back in, away from where the setback would be.
- Wolff            For the record, the discussion was the activity would be in another area. Any questions for the petitioner?
- Evinger        Just, in looking at the aerial, it looks like the lot that's immediately next door is vacant and has not been built on yet.
- Herman        That's correct.
- Evinger        Okay.
- Wolff            And, Julia, as I looked at that, this, it's just, you know, it's unusual. As I drove through it, it's aesthetically pleasing, it's just unusual, interesting lots. This, I anticipate what I would describe as this pool is going to be in the neighbor's back yard as well. The front of the property, if they build a new house on that, would be on Johns Station, and so I had a concern there that it might be someone's front yard. But, I don't think that would be the case at all.
- Herman        One of the other things from the staff report mentioned that we're bringing up because it will probably come up in conversation was that Stonegate HOA would be a variable in this, and we do have their written consent for the plan as drawn. They have referenced back that they will not get full consent until the variance is approved. So, we're bouncing back.
- Wolff            So, to be clear on that, we don't trump your homeowner's association, but we're with the Town and so we'll, it's okay by them?
- ?                Yes.
- Wolff            There you go.
- Evinger        Because of the very narrow set back then too, this is going to be like an automatic cover on the pool rather than having a fenced yard around it?
- Herman        Yes. Absolutely correct.

? Yes. Like below-grade.

Wolff You can come forward. It's okay. I won't bite.

Herman It's an under-mount cover that is flush with the concrete and nothing sitting up on top. So, no fence would be required by code.

Wolff Okay. Well, now you don't need to come forward. I made you walk. I apologize.

Mundy There isn't a plan to put up a privacy fence, or a wrought iron fence?

Herman Not that I'm aware of at this time. We discussed the opportunity of landscaping, from the visual barrier, just for privacy purposes, but no plans for an actual privacy fence or anything like that.

Wolff Can you state your name and address?

Moore Yes. I am Sarah Moore. I live at 6724 Johns Station.

Wolff Thank you, Mrs. Moore.

Moore So, there are plans. They have not been finalized depending on the approvals or non-approvals today, but, yes, there is landscaping plans tentatively in place to do 6-foot privacy panels, arborvitae trees to separate the two lots. That will essentially be side-by-side to a proposed bill one day.

Mundy The homeowner's association does allow privacy fence. Do they?

Moore They do.

Mundy They do. Okay.

Moore You see it pretty consistently throughout the neighborhood.

Mundy And, the lot adjacent there is a buildable lot, it's just not sold. Is that right?

Moore Correct. Correct. Well, I guess I should say, it had sold, and the same people have owned it for 15 years, is my understanding. Just haven't chosen to build yet.

Evinger And, they were noticed on this. So, if they had any kind of remonstrance, they would have an opportunity to voice their opinion now.

Wolff Any other questions for the petitioners? Thank you.

Herman Thank you, guys.

Wolff Are there any remonstrators here tonight? If so, please come forward and state your name and address for the record. Seeing none, Wayne, can we have the staff report?



- DeLong Certainly. Staff is supportive of the petition as it's been filed, and certainly for the reasons mentioned earlier this evening, from time to time, you do have these types of pool requests in front of you, and staff has two main points that it focuses on. First and foremost, what are the neighbors' interests and concerns, and discussing those this evening, as well as the homeowner's association. And, the second item that we like to discuss is the location of the water's edge versus the setback. The pool itself, the body of water, will meet the minimum setback. The activity area where any sort of noise or activity would occur, would, again, meet the setback, and we secondarily focus on the width of the apron that surrounds the pool. That 2-feet, it's not designed to function more than just ingress and egress from the water, or any other types of emergency purposes, and maintenance at the pool. It would not be a recreational-type of area for the mitigating potential for disturbances in the future to adjoining. Again, staff is supportive of the petition as filed, and I'd be happy to answer any questions.
- Wolff Thank you, Wayne. Any questions for the staff? Any discussion amongst the group? Seeing none, I will entertain a motion.
- Mundy It's your turn.
- Evinger I move that Docket # 2019-17-DSV, design standards variance to provide for the addition of a swimming pool, which deviates from the required side yard setback in the rural low-density single-family and two-family residential zoning district for the property located at 6724 Johns Station be approved as filed, as recommended by staff.
- Mundy I'll second that.
- Wolff Thank you. Is there a second? Thank you, Mr. Mundy. All those in favor, please say aye.
- All Aye.
- Wolff Those opposed?
- [No response.]
- Wolff Motion carries. Enjoy your pool.
- Moore Our little boys will be happy. They said, "Mommy why are you here?" I said, "Do you want a pool or not?"
- Wolff There is work to get the pool. Look at the agenda, the next item, if you see Mr. Kremp out there will you send him back in here. The next item on our agenda is other matters to be considered. Wayne, any updates for us?
- DeLong Certainly, the first item is the 2019 BZA update. We would look to continue to postpone that, if you will, to another evening when you have all five of your members here. Addressing the next matter, 46-DSV, we are awaiting information on the recordation of those commitments. We hadn't received an update from the petitioner's agent. The Zionsville Underground, 34-SE, we did receive an update,

and we have a more recent version of the plan of operation in house now currently for review. 31-SE, 32-DSV, those commitments have been recorded, as well as the right to farm. And, the final two items, 19-DSV and 2017-11-DSV, we do not have any information currently, and we keep speaking to the Fisher Homes project. That project itself is still experiencing some level of completion of its infrastructure. It still struggles towards completion, and I do not believe Fishers Homes is in the years any more as a potential purchaser.

Wolff            Thank you, Wayne. I think, Wayne and I have discussed, and I'll start with the group, that I think the training provided by Mr. Chadd I think is important, and I think we should all be here for it. So, we'll kind of keep kicking that can down the road until we're all present. With that, and no further matters to discuss, this meeting is adjourned.